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## COUNCIL JOURNAL.

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## WASHINGTON TERRITORY.

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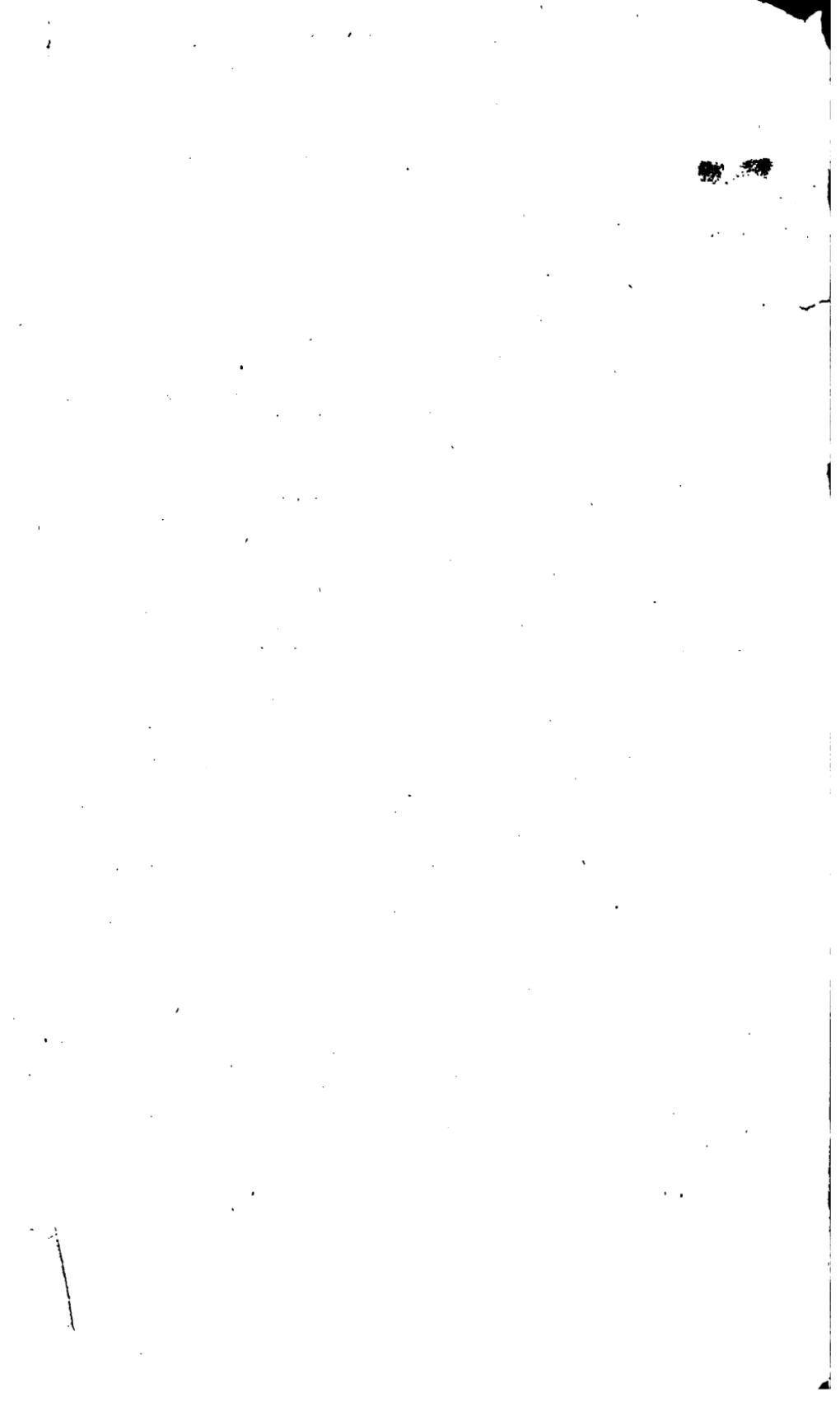
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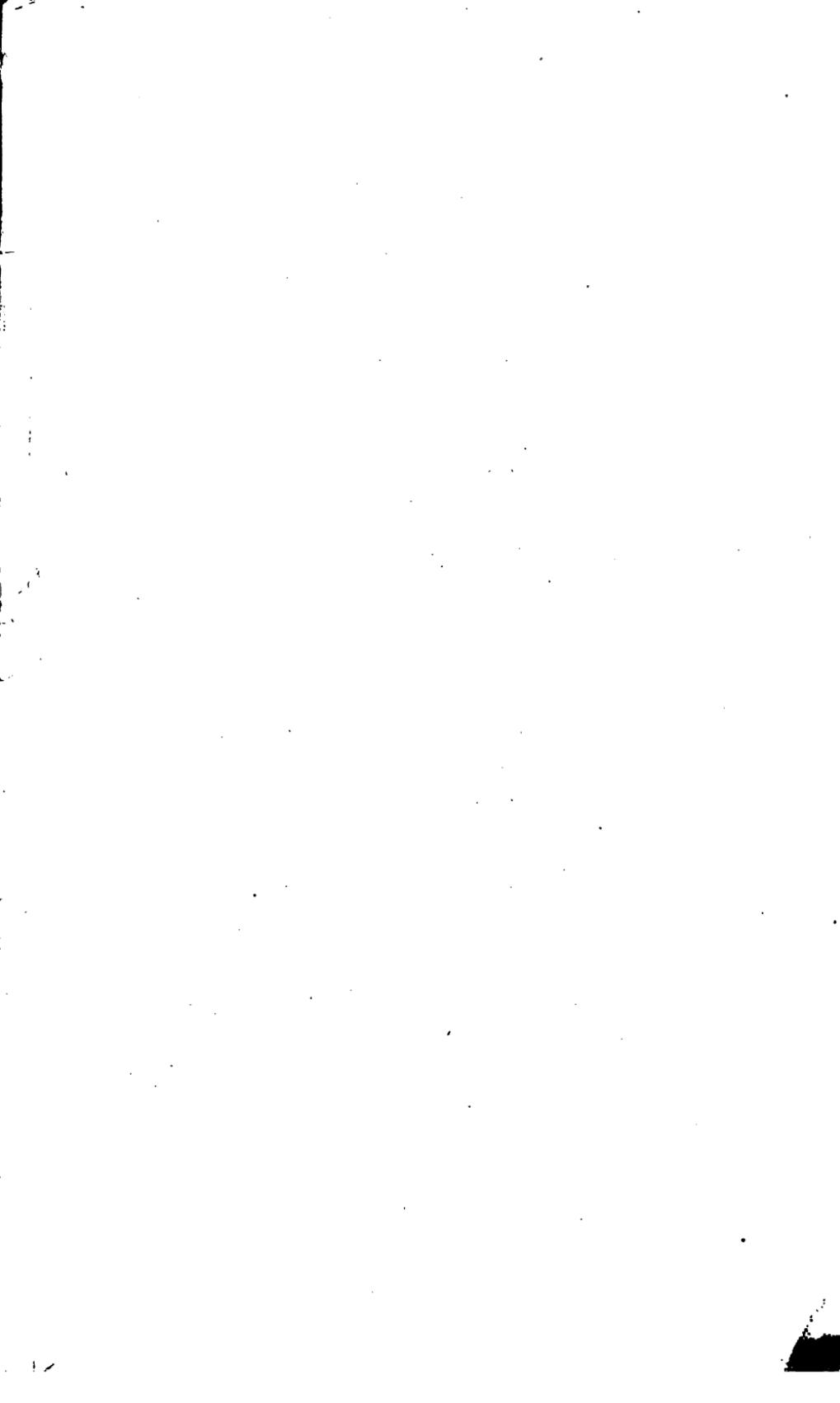
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Handing enclosed to Secretary  
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J O U R N A L

O F T H E

C O U N C I L

O F

THE TERRITORY OF WASHINGTON,

DURING THE

SECOND SESSION OF THE LEGISLATIVE ASSEMBLY,

BEGUN AND HELD

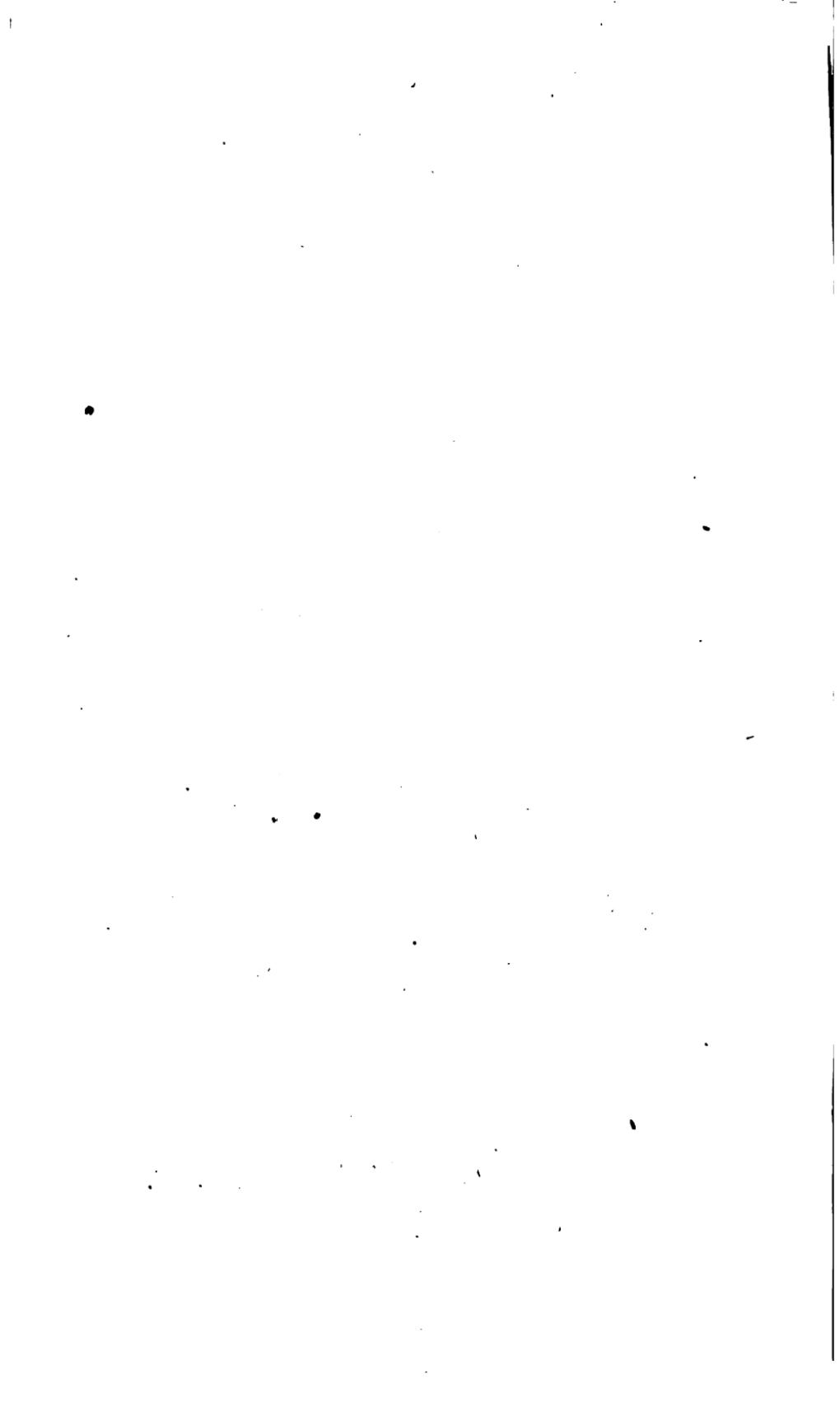
AT OLYMPIA, DECEMBER 4, 1854.

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OLYMPIA:

GEO. B. GOUDY, PUBLIC PRINTER.

1855.



# JOURNAL OF THE COUNCIL.

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## SECOND SESSION.

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MONDAY, December 4, 1854.

Pursuant to an act of the Legislature of the territory of Washington, passed April 20th, 1854, designating the first Monday of December in each year for the meeting of the Legislature, the following councilmen from the several districts of the territory, appeared in the Council, to wit:

From the counties of

*Cowlitz, Lewis, Pacific and Wahkiacum.*—Seth Catlin and Henry Miles.

*Clarke and Skamania.*—Jefferson Huff and Ira Patterson.

*Chehalis, Thurston and Sawamish.*—D. R. Bigelow and Benjamin F. Yantis.

*Pierce and King.*—C. C. Terry and W. A. Strickler.

*Clalam, Island, Jefferson and Whatcom.*—A. M. Poe.

The Council was called to order by Elwood Evans, Esq., Chief Clerk of last year.

On motion of Mr. Catlin,

*Ordered,* That the Chair appoint a committee of three to examine the credentials of new members.

Messrs. Catlin, Poe and Bigelow were appointed said committee.

The committee, having examined the credentials presented, made the following report, to wit:

The committee on credentials have examined the credentials of the following named members, and find them correct, to wit:

Jefferson Huff, Wm. A. Strickler, A. M. Poe, C. C. Terry and Ira Patterson.

SETH CATLIN,  
Chairman.

The chairman sent for Secretary Mason, who appeared and administered the oath of office to the members of the Council present.

On motion of Mr. Catlin,

*Ordered*, That the Chair appoint a clerk *pro tem.*

B. P. Anderson was appointed clerk *pro tempore.*

On motion of Mr. Bigelow,

The Council proceeded, *viva voce*, to the election of a President, and the roll being called, it appeared that Seth Catlin received 8 votes, and D. R. Bigelow 1 vote.

Seth Catlin having received a majority of all the votes cast, was declared duly elected President; and,

On motion,

Messrs. Yantis and Strickler were appointed a committee to conduct the President elect to his seat.

On taking the chair, Mr. Catlin addressed the Council briefly—tendering his acknowledgments for the honor conferred upon him by selecting him as presiding officer of the Council.

Mr. Miles moved that the Council proceed, *viva voce*, to the election of a Chief Clerk.

Mr. Poe moved as an amendment,

That the Council proceed to the election of a Chief Clerk by ballot.

The question being put on the amendment of Mr. Poe,

It was decided in the affirmative.

The Council proceeded to the election of a Chief Clerk, and a ballot being had, Messrs. Yantis and Poe acting as tellers, upon the votes being counted, it appeared that B. P. Anderson had received 6 votes, and Elwood Evans 3 votes.

B. P. Anderson having received a majority of all the votes cast, was declared duly elected; and, being sworn in, entered upon the discharge of the duties of Chief Clerk.

Mr. Bigelow moved that the Council proceed to the election of an assistant clerk by ballot.

Mr. Miles moved as an amendment,

That the Council proceed to the election of an Assistant Clerk, *viva voce*.

The question being put on the amendment of Mr. Miles,

It was decided in the negative.

The original motion being then put,

It was decided in the affirmative.

The Council then proceeded to the election of an Assistant Clerk; and, after four unsuccessful ballots being had,

On the fifth ballot, Messrs. Yantis and Poe acting as tellers, A. J. Moses received 5 votes; U. E. Hicks received 2 votes; and D. R. Philips received 2 votes.

A. J. Moses having received a majority of all the votes cast, was declared duly elected; and being sworn in, entered upon the discharge of the duties of Assistant Clerk.

On motion of Mr. Yantis,

The Council proceeded to the election of a Sergeant-at-Arms, and a ballot being had, Messrs. Yantis and Poe acting as tellers, it appeared that J. L. Mitchel, of Lewis county, had received 5 votes, Wm. Cullison 2 votes, and D. R. Philips 1 vote.

J. L. Mitchel having received a majority of all the votes cast, was declared duly elected, and being sworn in, entered upon the discharge of the duties of Sergeant-at-Arms of the Council.

On motion of Mr. Poe,

The Council proceeded to the election of a Door Keeper, and a ballot being had, it appeared that Wm. Cullison had received 7 votes, and — Smith 1 vote.

Wm. Cullison having received a majority of all the votes cast, was declared duly elected; and being sworn in, entered upon the discharge of the duties of Door Keeper for the Council.

On motion of Mr. Miles,

The Council then adjourned till 10 o'clock, to-morrow morning.

TUESDAY, December 5th, 1854.

Council met pursuant to adjournment.

*Present.*—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry, Yantis and Mr. President.

Journal of yesterday read and approved.

On motion of Mr. Miles,

*Ordered,* That a committee of three be appointed to prepare Rules for the government of the Council.

Messrs. Bigelow, Miles and Yantis were appointed said committee.

On motion of Mr. Patterson,

*Ordered,* That the President appoint the usual standing committees.  
Council adjourned till 2 o'clock, P. M.

AFTERNOON SESSION.

Council met pursuant to adjournment.

On motion of Mr. Miles,

*Ordered,* That the House of Representatives be informed that the Council has organized, and is now ready to proceed to business.

A message from the House by their Clerk, B. F. Kendall, Esq.

MR. PRESIDENT:—I am instructed by the Speaker of the House to inform you that a committee of three have been appointed in the House, composed of Messrs. Styles, Wallace and Watkins, to wait on the Governor.

On motion of Mr. Bigelow,

*Ordered,* That a committee of three be appointed to confer with the committee from the House, to wait on the Governor, and inform him that the Legislative Assembly of Washington Territory is organized and ready to receive any communication he may be pleased to make.

Messrs. Terry, Huff and Miles, were appointed said committee.

On motion of Mr. Yantis,

The Council then adjourned to the Hall of the House to hear the message of His Excellency, the Governor, delivered in person.

When the Council returned, the President announced the following Standing committees:

*Judiciary.*—Messrs. Bigelow, Terry and Miles.

*Elections.*—Messrs. Miles, Patterson and Strickler.

*Ways and Means.*—Messrs. Bigelow, Poe and Huff.

*Education.*—Messrs. Bigelow, Poe and Yantis.

*Claims.*—Messrs. Huff, Yantis and Strickler.

*Military Affairs.*—Messrs. Yantis, Miles and Patterson.

*Roads and Highways.*—Messrs. Terry, Patterson and Yantis.

*Engrossed Bills.*—Messrs. Miles, Poe and Huff.

*Enrolled Bills.*—Messrs. Strickler, Huff and Yantis.

*Indian Affairs.*—Messrs. Yantis, Patterson and Bigelow.

*Commerce.*—Messrs. Terry, Huff and Bigelow.

*Printing.*—Messrs. Strickler, Miles and Poe.

*Corporations.*—Messrs. Bigelow, Strickler and Patterson.

*Memorials.*—Messrs. Poe, Miles and Huff.

*Counties.*—Messrs. Patterson, Strickler and Yantis.

On motion of Mr. Yantis,

*Ordered,* That the Rules of last session for the Council, be adopted till the committee on Rules report.

On motion of Mr. Miles,

*Ordered,* That the committee on printing be instructed to procure the printing of 150 copies of the Governor's message for the use of the Council.

Mr. Bigelow introduced the following resolution:

*Resolved,* That, until otherwise ordered, the Council hold but one session a day, and that the hour of convening be 10 o'clock, A. M.; and,

On motion of Mr. Bigelow,

The rules were suspended, and the resolution adopted.

On motion of Mr. Poe,

*Ordered,* That the committee on Printing be instructed to procure 9 copies of the file of the Pioneer and Democrat containing the laws of the last session of the legislature, for the members of the Council.

On motion of Mr. Miles,

*Ordered*, That the committee on Printing be instructed to procure ten copies of the "Pioneer and Democrat" for each member and officer of the Council during this session of the Legislature.

On motion of Mr. Bigelow,

Council adjourned.

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WEDNESDAY, December 6th, 1854.

Council met pursuant to adjournment. All present.

Journal of yesterday was read, corrected and approved.

Mr. Bigelow, chairman of the committee on rules for the government of the council, submitted the following report:

The committee appointed to prepare rules for the government of the Council, beg leave to report the rules of the Council of the last session, with the following amendment:

Section No. 42, of those rules be amended so as to read the first clause as follows:

"Standing committees to consist of three members each."

On motion of Mr. Miles,

The report of the committee was adopted.

On motion of Mr. Poe,

*Ordered*, That the committee on Printing be instructed to have an index made for laws as published in the Pioneer and Democrat.

On motion of Mr. Miles,

*Ordered*, That a committee of three be appointed to confer with a similar committee from the House to draft and report Joint Rules and Regulations for the government of the two Houses.

Messrs. Miles, Yantis and Bigelow were appointed said committee.

On motion of Mr. Miles,

*Ordered*, That a committee of three be appointed to draft and present a bill for the location of the Seat of Government.

Messrs. Miles, Yantis and Terry were appointed said committee.

A message from the House by their Clerk, Mr. Kendall:

MR. PRESIDENT:—I am directed by the Speaker of the House of Representatives to inform you that a committee of five on the part of the House have been appointed to confer with a like committee from the Council to draw up Joint Rules for the government of the two Houses.

Mr. Bigelow, on leave being granted, introduced,

Council Bill No. 1, "An act supplementary to an act entitled 'an act to provide for printing the laws in the Pioneer and Democrat,'" passed April 22, 1854.

Bill read the first time.

On motion of Mr. Bigelow,

The rules were suspended, and the bill read a second time, and referred to the committee on the Judiciary.

On motion of Mr. Miles,

The Council adjourned.

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THURSDAY, December 7th, 1854.

Council met pursuant to adjournment.

*Present*.—Messrs. Bigelow, Huff, Patterson, Poe, Strickler and Mr. President.

*Absent*.—Messrs. Miles, Terry and Yantis.

The absent members being sent for, appeared, and the Journal of yesterday was read.

Mr. Strickler, from the committee on Printing, submitted the following report:

The committee on Printing would beg leave to report, that it has been able to procure 4 copies of the Pioneer and Democrat containing the published laws enacted at the last session of the Legislature, instead of nine, as ordered by the Council.

On motion of Mr. Miles,

The report was accepted.

Mr. Bigelow, chairman of committee on Judiciary, reported back C. B. No. 1., without amendment.

Which was read a third time; and,

Referred to committee on Engrossed Bills.

Mr. Poe, by consent, introduced C. B. No. 2, a bill for the repeal of the exemption law.

Read a first time; and,

Ordered to a second reading.

On motion of Mr. Miles,

Council adjourned.

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FRIDAY, December 8th, 1854.

Council met pursuant to adjournment.

*Present.*—Messrs. Bigelow, Huff, Patterson, Poe, Strickler and Mr. President.

*Absent.*—Messrs. Miles, Terry and Yantis,

The Journal of yesterday read.

On motion of Mr. Bigelow,

*Ordered,* That the first clause of the 45th Rule of the Council, reading as follows: "No bill shall pass to be engrossed until it shall have had three several readings," be suspended for this session.

On motion of Mr. Bigelow,

The members elect from the district composed of the counties of Skamania, Clarke and Walla-walla, and of the counties of Pierce and King,

proceeded to draw lots for their respective terms of service in accordance with the provisions of the act organizing the Territory, as follows:

Jefferson Huff, of Clarke, drew a two years term.

Ira Patterson of Clarke, drew a three year's term.

Wm. A. Strickler, of King, drew a one year term.

C. C. Terry, of King, drew a three years term.

On motion of Mr. Bigelow,

The Council resolved itself into committee of the whole, on the Governor's message.

Mr. Bigelow in the chair.

After some time spent in committee, the committee rose, and reported through their chairman, Mr. Bigelow, the reference of the different subjects mentioned in the Governor's message to their appropriate committees.

C. B. No. 2., was read a second time; and,

Ordered to be engrossed and read a third time in its regular order.

The chairman of the committee on Engrossed Bills, reported C. B. No. 1, An act supplementary to an act entitled, "an act to provide for printing the laws in the Pioneer and Democrat," as truly engrossed.

The bill then coming up in its regular order, was passed.

Mr. Miles, from the committee on Joint Rules, reported the Rules of last session without amendment.

On motion,

The report was adopted.

Mr. Poe gave notice that he would introduce a bill to create the office of county surveyor on to-morrow.

Mr. Bigelow moved that the committee on Printing be instructed to procure the printing of 100 copies of the Rules of the Council, and Joint Rules of the two Houses, containing a list of the Standing Committees of the Council for the use of the Council.

Mr. Yantis offered as an amendment,

To strike out "100," and insert "50,"

Which amendment was carried.

On motion of Mr. Bigelow,

The Committee on Printing were instructed to inquire of the Territorial Printer at what time the published laws of the last session of the Legislature may be expected.

On motion,

The Council adjourned.

SATURDAY, December 9th, 1854.

Council met pursuant to adjournment.

*Present.*—All the members.

Journal of yesterday read.

The select committee, to draft and present a bill for the location of the Seat of Government, reported progress, and asked and obtained leave for further consideration of the bill.

C. B. No. 2. was read a third time, and put upon its passage; The ayes and nays being called for, the vote was as follows:

*Ayes.*—Messrs. Patterson, Poe and Terry—3.

*Nays.*—Messrs. Bigelow, Catlin, Huff, Miles, Strickler and Yantis—6.

So the Council refused to pass the bill.

On motion of Mr. Miles,

*Ordered,* That the Journal of yesterday be so amended as that it appear that the motion to amend the 45th rule during the session, was not passed, but laid on the table.

On motion of Mr. Bigelow,

The motion to suspend the 1st clause of the 45th rule was taken up and passed.

On motion of Mr. Bigelow.

The action of the Council on yesterday with regard to the choice by lot of the terms of service of the members elect from the counties of Skamania, Clarke and Walla-walla, and the counties of Pierce and King, was re-considered; and,

On motion of Mr. Strickler,

The matter was referred to the committee on Elections by the following vote, the ayes and nays being called:

*Ayes.*—Messrs. Huff, Miles, Patterson, Poe, Strickler, Yantis and Terry.—7.

*Nays.*—Messrs. Bigelow and Mr. President.—2.

Mr. Poe asked and obtained leave to name Tuesday next, as the time for the introduction of his bill relating to the office of county surveyor.

On motion of Mr. Poe,

Council adjourned.

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MONDAY, December 11, 1854.

Council met pursuant to adjournment. All present.

Journal of yesterday read.

On motion of Mr. Miles,

*Ordered*, That the Secretary of the Territory be requested to furnish a copy of all the reports in his office, of all the road commissioners, for the use of the Council.

On motion of Mr. Terry,

*Ordered*, That the committee on Printing be instructed to inquire into the security given by the Territorial Printer for the faithful discharge of his duties.

Mr. Yantis, on leave being granted, presented a memorial to congress asking that an appropriation be made to indemnify certain citizens of Washington Territory; and,

On motion of Mr. Yantis,

The rules were suspended, and the memorial read a second time.

On motion of Mr. Miles,

The rules were further suspended, and the memorial read a third time and passed.

Mr. Poe, on leave being granted, introduced the following:

Council Joint Resolution No. 1.

*Resolved by the Council, the House concurring,* That our delegate in congress be instructed to use his influence with the congress of the United States to procure an appropriation to continue in detail the geological survey, already commenced in this territory.

Mr. Yantis, on leave being granted, introduced the following:

Council Joint Resolution No. 2.

*Resolved by the Council, the House concurring,* That a joint committee of two from the Council, and three from the House, be appointed as a committee on Enrolled Bills, and that said committee be authorised to employ a suitable clerk to act as Enrolling Clerk, who is willing to depend upon an appropriation by congress for pay for such services.

On motion of Mr. Poe,

The rules were suspended, and the resolution read a second time, and ordered to a third reading.

Mr. Yantis gave notice that at an early day he would introduce a bill to amend the election law.

On motion of Mr. Poe,

*Ordered,* That a reporter for the Pioneer and Democrat be provided with a seat and desk in the Council chamber.

On motion of Mr. Miles,

The Council adjourned.

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TUESDAY, December, 12th, 1854.

Council met pursuant to adjournment.

*Present.*—Messrs. Bigelow, Huff, Patterson, Poe, Strickler, Terry, Yantis and Mr. President.

*Absent.*—Mr. Miles.

The President announced that he had received the following communication, viz:

SECRETARY'S OFFICE,  
Olympia, Dec. 11, 1854. }

HON. SETH CATLIN,  
President of the Council,

SIR :—In reply to the resolution of the Hon. Council requesting me to

furnish a copy of the reports of all the territorial commissioners for the use of the Council, I have to state that, as yet no reports from such commissioners have been received at this office.

I am very respectfully,

Your obedient servant,

(Signed,) \_\_\_\_\_

C. H. MASON,  
*Sec'y Wash. Ter.*

Mr. Poe presented the memorial of Joseph T. Turner, asking that provisions be made for the benefit of the clerks of district courts.

Mr. Miles, Chairman of the select committee to draft and report a bill for the location of the Seat of Government of Washington Territory, reported

C. B. No. 3. An act to provide for the selection of the place for the location and erection of the Seat of Government of the Territory of Washington.

Read once; and,

On motion of Mr. Yantis,

The rules were suspended, and the bill read a second time by its title, and ordered to be printed.

Mr. Terry asked that it should be placed upon the Journal that he did not concur with the majority of the committee in reporting said bill.

Mr. Poe, on leave being granted, introduced

C. B. No. 4. An act to create and establish the office of county surveyor;

Read once and ordered to a second reading.

Mr. Bigelow, on leave being granted, introduced

C. B. No. 5. An act to amend an act entitled, 'an act establishing probate courts for the Territory of Washington.'

Read once and ordered to a second reading.

C. J. R. No. 2, coming up in its order,

Mr. Yantis, on leave, offered a substitute, which was adopted instead of the original; and,

Ordered to a third reading.

C. J. R. No. 1, coming up in its order,

Was read a second time, and ordered to a third reading.

Mr. Terry, on leave being granted, introduced

C. B. No. 6. An act to amend an act entitled, 'an act to exempt certain property from attachment and execution;'

Read once, and ordered to a second reading.

Mr. Yantis, on leave being granted, introduced the following resolution:

*Resolved*, That it be a standing rule of the Council that all bills be printed after their second reading.

On motion of Mr. Huff,

*Ordered*, That a map of this Territory be furnished for the use of the Council.

On motion of Mr. Poe,

*Ordered* That the Sergeant-at-Arms be ordered to procure a good time-piece for the use of the Council.

On motion of Mr. Poe,

The Council adjourned.

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WEDNESDAY, December 13, 1854.

Council met pursuant to adjournment.

All present.

Journal read and approved.

C. B. No. 4, coming up in its order,  
Was read a second time; and,

On motion of Mr. Miles,

Referred to the committee on the Judiciary.  
C. B. No. 5, coming up in its order,  
Was read a second time; and,

On motion of Mr. Bigelow,

Referred to the committee on Judiciary.  
C. B. No. 6, was read a second time; and,

On motion of Mr. Yantis,

Referred to the committee on the Judiciary.

C. J. R. No. 1, was read a third time and passed.

C. J. R. No. 2, was read a third time and passed.

C. B. No. 3. An act to provide for the location of the Seat of Government, was taken up.

Mr. Poe moved to amend by striking out the 2d, 3d, 4th and 5th sections.

Amendment adopted.

Mr. Miles moved to further amend by striking out 6th section.

Amendment lost.

The question then being—"Shall the bill pass?"

The yeas and nays were called, and the vote was as follows:

*Yea*s.—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Yantis and Mr. President—8.

*Nay*s.—Mr. Terry.—1.

So the bill, as amended, was passed.

Mr. Bigelow moved to amend the title of Council Bill No. 3, by striking out the word "and erection." Carried.

Mr. Strickler, on leave being granted, introduced

C. B. No. 7. An act to locate the Territorial University.

Which was read once; and,

On motion of Mr. Strickler,

The rules were suspended and the bill read a second time by its title.

Mr. Miles moved to lay the bill on the table.

The yeas and nays being called for, resulted as follows:

*Yea*s.—Messrs. Huff, Miles, Terry and Mr. President—4.

*Nay*s.—Messrs. Bigelow, Patterson, Poe, Strickler and Yantis—5.

Motion lost.

Mr. Strickler moved that the bill be referred to the committee on Education.

The ayes and nays being called for, the vote was as follows:

*Aye*s.—Messrs. Huff, Patterson, Strickler Yantis and Mr. President—5.

*Nay*s.—Messrs. Bigelow, Miles, Poe and Terry—4.

Motion carried, and bill so referred.

Mr. Huff moved that a select committee of three be appointed to draft

and report a bill for the location of the Penitentiary of Washington Territory.

Carried; and

Messrs. Huff, Poe and Bigelow appointed said committee.

On motion of Mr. Terry.

The Council adjourned.

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THURSDAY, December 14th, 1854.

Council met pursuant to adjournment.

Mr. President being absent on account of sickness, the house was called to order by the Clerk; and

Mr. Miles of Lewis called to the chair.

*Present.*—Messrs. Bigelow, Huff, Patterson, Strickler and Miles.

*Absent.*—Messrs. Poe, Terry Yantis and Mr. President.

Journal of yesterday read and approved.

On motion of Mr. Poe,

The by which C. B. No. 3, was passed, was reconsidered; and,

On motion of Mr. Bigelow.

Council resolved itself into a committee of the whole on C. B. No. 3., Mr. Bigelow in the Chair.

After a short time spent in committee of the whole, the committee rose, and reported the bill back with the following amendment:

Strike out the word "west," in 5th line, section 1, and insert "east;"  
Which amendment was adopted

The question then being—"Shall the bill pass?"

The yeas and nays were demanded and the vote was as follows:

*Ayes.*—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, and Yantis—7.

*Nays.*—Mr. Terry—1.

So the bill passed.

A message from the House by their Clerk:

MR. PRESIDENT:—I am instructed by the Speaker of the House to report to you the passage of the following bills:

H. B. No. 1. An act to amend an act entitled, ‘an act to locate a territorial road from Olympia to Shoalwater Bay.

H. B. No. 2. An act to dissolve the bonds of matrimony heretofore existing between Geo. L. Eastabrook, and Hannah L. Eastabrook.

H. B. No. 3. An act to provide for publishing certain laws.

H. B. No. 4. An act to amend an act to locate the county seat of Clarke county.

H. B. No. 5. An act to amend an act entitled, ‘an act to provide for assessing and collecting county and territorial revenue.

On motion of Mr. Bigelow,

The bills reported from the House were taken up, and severally read a first time.

On motion of Mr. Poe,

The rules were suspended to read H. B. No. 3, a second time now by title.

Mr. Poe moved to amend the bill by striking out after the word “publish,” the words “forthwith in the paper called the Pioneer and Democrat,” and instead “in a simple pamphlet form;”

Which amendment was lost.

On motion of Mr. Bigelow,

The rules were suspended, and H. B. No. 4, read a second time, and, Ordered to a third reading.

On motion of Mr. Yantis,

The rules were suspended, and H. B. No. 5, read a second time; and, Ordered to a third reading.

On motion of Mr. Bigelow,

The rules were suspended, and H. B. No. 2, read a second time.

Mr. Poe moved to amend by inserting after the word “dissolved” in the first section, “and every other person who may desire a like dissolution;”

Which amendment was lost.

Mr. Poe moved to refer the bill to the committee on Indian Affairs.  
Lost.

Mr. Yantis moved to refer to the committee on Judiciary.  
Lost.

On motion of Mr. Poe,

The bill was referred to a select committee of five.

The Chair appointed Messrs. Poe, Bigelow, Strickler, Huff and Patterson said committee.

On motion of Mr. Huff,

Council adjourned.

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FRIDAY, December 15th, 1854.

Council met pursuant to adjournment.

Mr. President still being unwell, house called to order by the Clerk.  
Mr. Bigelow of Thurston was called to the chair.

*Present.*—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler and Yantis.

*Absent.*—Messrs. Terry and Mr. President.

Journal of yesterday was read and approved.

Mr. Yantis, from the committee on Education, reported back C. B. No. 7, with the following amendment:—Strike out the word “and endowments of,” in the fifth line.

Mr. Poe from the same committee, asked and was granted time to make a minority report.

On motion of Mr. Miles,

The report of the committee was laid on the table.

Mr. Huff, from the select committee to draft and report a bill locating the Penitentiary, reported

C. B. No. 8. An act to locate the Penitentiary of the Territory of Washington.

Mr. Miles moved to lay the bill on the table.

Lost.

On motion of Mr. Huff,

The report of the committee was adopted.

Pending a motion of Mr. Huff, which was afterwards withdrawn,

Mr. Yantis moved a call of the house.

The Sergeant-at-Arms being sent for the absent members, Messrs. Miles and Terry appeared and were excused.

Mr. Poe, from the select committee on H. B. No 2, reported back the bill without amendment, and submitted a minority report.

Mr. Miles moved that the report of the committee be adopted.

Lost.

Mr. Yantis moved that the bill be indefinitely postponed;

The yeas and nays being called, resulted as follows:

*Yea*s.—Messrs. Bigelow, Poe, Terry and Yantis—4.

*Nay*s.—Messrs. Huff, Miles, Patterson and Strickler—4.

Motion lost.

Mr. Miles moved to postpone the bill until Saturday a week;

Lost.

Mr. Miles moved to postpone the bill until next Tuesday;

Carried; and

H. B. No. 2, was postponed until Tuesday next.

H. B. No. 1. Read a second time, and,

Referred to the committee on Roads and Highways.

H. B. No. 3. An act to provide for publishing certain laws;

Read a third time.

The question being put—"Shall the bill pass?"

It was decided in the negative.

So the Council refused to pass the bill.

H. B. No. 4. An act to locate the county seat of Clarke county; and

H. B. No. 5. An act to amend an act to provide for assessing and collecting county and territorial revenue,

Were severally read a third time and passed.

Mr. Yantis, on leave, introduced,

C. B. No. 9. An act to provide for printing the laws of Washington Territory.

Which was read once.

The rules being suspended, it was read a second time, amended, and,

Read a third time and passed.

On motion of Mr. Yantis,

Council adjourned.

SATURDAY, December 16th, 1854.

Council met pursuant to adjournment.

All present but Mr. Miles.

Journal of yesterday read, corrected and approved.

Mr. Terry, chairman of the committee on Roads and Highways, reported C. B. No. 1, without amendment;

Read a third time and passed.

C. B. No. 8, coming up in its order for second reading,

Mr. Huff moved to insert the words "or near" after "at" in the last sentence.

Pending which motion,

Mr. Miles moved to refer the bill and amendment to the committee on Ways and Means.

Motion carried and bill so referred.

On motion of Mr. Poe,

C. B. No. 7. An act to locate the Territorial University, was taken from the table.

On motion of Mr. Bigelow,

The vote, referring the bill, (C. B. No. 8.) locating the Penitentiary, was re-considered, and the bill referred to the committee on Claims.

On motion of Mr. Bigelow,

The Council adjourned.

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MONDAY, December 18th, 1854.

Council met pursuant to adjournment.

*Present.*—Messrs. Bigelow, Huff, Miles, Patterson, Strickler, Terry, Yantis and Mr. President.

*Absent.*—Mr. Poe.

The Journal of yesterday read and approved.

Mr. Bigelow, chairman of the committee on the Judiciary, reported back C. B. No. 5, with the following amendments:

Which was adopted.

Insert as follows:

"SEC. 2. That the 17th section of said act be hereby repealed, and that it is hereby made the duty of the Probate Judge to perform all the duties heretofore required to be performed by his clerk, for which he shall be entitled to receive the same fees as the clerk would be entitled to by law.

"SEC. 3. That all portions of the said act contradictory to, or conflicting with section 1st and 2d of this bill, are hereby repealed."

The bill as amended, was ordered to a third reading.

On motion of Mr. Miles,

*Ordered*, That the Door Keeper be required to explain at the bar of the Council why he neglected or refused to carry the message of the President to the absent members on Saturday last.

Whereupon, the Door Keeper appeared and made an explanation; and,

On motion of Mr. Yantis,

Was excused.

C. B. No. 2, dispensing with the calling of the roll until otherwise ordered, was read and passed.

On motion of Mr. Miles,

The Council resolved itself into committee of the whole on C. B. No. 7, Mr. Poe of Whatcom, in the chair.

After some time spent in committee of the whole, the committee rose, and by their chairman, reported back C. B. No. 7, without amendment.

On motion of Mr. Bigelow,

The report was adopted.

Mr. Miles moved to amend C. B. No. 7, by striking out after the words "at" in the 2d line the words "Seattle, in King county," and inserting "Cowlitz, on the land known as the Puget Sound Agricultural Co. Claim, in the county of Lewis."

The question being on the adoption of the amendment.

The yeas and nays were called, and resulted as follows:

*Yea.*—Mr. Miles.

*Nay.*—Messrs. Bigelow, Huff, Patterson, Poe, Strickler, Terry, Yantis and Mr. President—8.

So the amendment was not adopted.

On motion of Mr. Yantis,

The bill (C. B. No. 7,) was laid on the table until to-morrow.

Mr. Miles moved the Council adjourn.

Lost.

Mr. Miles moved that the ex-member from Clarke county, (Mr. Tappan) be permitted to report the action of the committee appointed at last session to procure a suitable block for the Washington Monument.

Pending which motion,

On motion of Mr. Yantis,

The Council adjourned.

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TUESDAY, December, 19th, 1854.

Council met pursuant to adjournment.

Journal of yesterday read, corrected and approved.

Mr. Bigelow, chairman of the committee on Judiciary, reported back C. B. No. 6, with amendment.

Mr. Yantis, chairman of the committee to whom was referred, C. B. No. 8, reported back the bill without amendment, and recommended its passage.

Mr. Bigelow, chairman of the committee on Judiciary, reported back C. B. No. 4, and recommended its indefinite postponement.

The Council refused to accept the report.

On motion of Mr. Miles,

The committee on Judiciary were instructed to report C. B. No. 4, without amendment.

Whereupon, Mr. Bigelow, chairman of the committee, reported the bill back without amendment.

H. B. No. 2, was taken up.

Mr. Strickler moved to amend by striking out section 2.

Pending which motion,

Mr. Miles moved that the bill with proposed amendment, be referred to a select committee of three.

A message from the House by their Clerk,

MR. PRESIDENT:—I am instructed by the House to inform you of the passage of the following bills:

H. B. No. 6. An act to provide for a Territorial road from Vancouver to the Dalles of the Columbia river.

H. B. No. 7. An act to change the name of the county seat of Clarke county.

H. B. No. 8. An act to locate a territorial road from the Columbia river at Oak Point Mill to intersect the territorial road from Cathlamet to Sidney S. Fords.

H. B. No. 9. An act to locate a territorial road from Samuel Woodward's on the Willapa river, to intersect at Boisfort Plains, the territorial road from Cathlamet to Sidney S. Ford's.

H. B. No. 15. An act to incorporate the Puget Sound Steam Navigation Company. And,

H. J. R. No. 1. Relative to calling into service two companies of mounted volunteers, and ask the concurrence of the Council therein.

The question of reference of H. B. No. 2, to a select committee of three, was decided in the negative.

Mr. Poe moved an amendment to the amendment of Mr. Strickler, to strike out all after section 2, and insert, "this act to be in force, from and after the first day of January, nineteen hundred."

The ayes and nays being called for, the vote was as follows:

*Ayes*.—Messrs. Bigelow, Poe, Terry and Yantis—4.

*Nays*.—Messrs. Huff, Miles, Patterson, Strickler and Mr. President—5.

So the amendment to the amendment was lost.

The question then being upon the amendment of Mr. Strickler,  
Was decided in the affirmative.

On motion of Mr. Strickler,

The rules were suspended, the bill (H. B. No. 2) read a third time as amended, and being upon its passage, the ayes and noes were called, and resulted as follows :

*Ayes*—Messrs. Huff, Miles, Patterson, Strickler and Mr. President.

*Noes*—Messrs. Bigelow, Poe, Terry and Yantis.

So the bill as amended passed.

Message from the House by their clerk :

MR. PRESIDENT—I am instructed by the House to report the passage of C. J. R., No. 2, and the appointment of Messrs. Wallace, Stiles and Watkins said committee on the part of the House.

The President announced Messrs. Poe and Strickler as the joint committee on the part of the Council, on the enrollment and engrossment of bills.

C. B. No. 4 coming up, and the question being, shall the bill be engrossed and read a third time ?

Mr. Miles moved a call of the House.

The Sergeant-at-Arms was ordered to bring in absent members.

On motion of Mr. Yantis,

Council adjourned till 2 o'clock, p. m.

AFTERNOON SESSION.

C. B. No. 4 was read a third time and passed.

On motion of Mr. Poe,

C. B's No. 6 and 7 were laid on the table until to-morrow, and C. B. No. 7 made the special order of the day.

On motion of Mr. Patterson, C. B. No. 8 was postponed until Thursday next.

On motion of Mr. Terry,

Council adjourned.

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WEDNESDAY, December 13, 1854.

Council met pursuant to adjournment.

Journal of yesterday was read and approved.

C. B. No. 7—an act to locate the Territorial University—being the special order of the day,

Mr. Poe moved to amend by striking out the words "Seattle" and "King" in the second line, and inserting "Coveland" and "Island."

On which amendment the ayes and noes being called, resulted as follows :

Ayes—Messrs. Miles, Poe and Mr. President—3.

Noes—Messrs. Bigelow, Huff, Patterson, Strickler, Terry and Yantis—6.

So the amendment was not adopted.

Mr. Miles moved the Council resolve itself into a committee of the whole on Council bill No. 7;

Which motion was lost.

Mr. Yantis offered a substitute to the original bill, and the question being, shall the substitute be adopted?

The ayes and noes were called, and the vote was as follows :

Ayes—Messrs. Bigelow, Huff, Patterson, Strickler and Yantis—5.

Noes—Messrs. Miles, Poe, Terry and Mr. President—4.

So the substitute was adopted.

Mr. Miles moved that the bill lie on the table and be printed.

On which motion the ayes and noes were called, and the vote was as follows :

Ayes—Messrs. Miles, Terry and Mr. President—3.

Noes—Messrs. Bigelow, Huff, Patterson, Poe, Strickler and Yantis—6.

Refused to lay on the table.

Mr. Poe moved to amend the bill by striking out "Boisfort" and inserting "Cape Flattery."

On which amendment the ayes and noes being called, the vote was as follows :

Ayes—Messrs. Miles, Poe, Terry, and Mr. President—4.

Noes—Messrs. Huff, Bigelow, Patterson, Strickler and Yantis—5.

So the amendment was not adopted.

Mr. Miles moved to amend the bill by striking out "Boisfort" and inserting "Vancouver, Clarke county."

On which amendment the ayes and noes were called, and resulted as follows :

Ayes—Messrs. Miles, Poe, Terry and Mr. President—4.

Noes—Messrs. Bigelow, Huff, Patterson, Strickler and Yantis—5.

So the amendment was not adopted.

Mr. Poe moved to amend by striking out the word “Boisfort” and inserting “Alki.”

On which amendment the ayes and noes were called, and the vote was as follows :

Ayes—Messrs. Miles, Poe, Terry and Mr. President—4.

Noes—Messrs. Bigelow, Huff, Patterson, Strickler and Yantis—5.

So the amendment was not adopted.

Mr. Poe moved, as an amendment, that the word “Boisfort” be stricken out and “Cape Disappointment” inserted.

On which amendment the ayes and noes were called, and the vote was as follows :

Ayes—Messrs. Miles, Poe, Terry and Mr. President—4.

Noes—Messrs. Bigelow, Huff, Patterson, Strickler and Yantis—5.

So the amendment was not adopted.

Mr. Miles moved to amend by striking out the word “Seattle” and inserting “Vancouver.”

On which amendment the ayes and noes were called, and the vote was as follows :

Ayes—Messrs. Miles, Poe, Terry and Mr. President—4.

Noes—Messrs. Bigelow, Huff, Patterson, Strickler and Yantis—5.

So the amendment was not adopted.

Mr. Miles moved to adjourn.

On which motion the ayes and noes were called, and the vote was as follows :

Ayes—Messrs. Miles, Poe, Terry and Mr. President—4.

Noes—Messrs. Bigelow, Huff, Patterson, Strickler and Yantis—5.

So the Council refused to adjourn.

Mr. Strickler moved the previous question ; pending which motion

Mr. Miles moved that the motion for the previous question lay on the table.

On which motion the ayes and noes were called, and the vote was as follows :

*Ayes.*—Messrs. Miles, Poe, Terry and Mr. President—4.

*Noes.*—Messrs. Bigelow, Huff, Patterson, Strickler and Yantis—5.

So the Council refused to lay the motion on the table.

Mr. Miles moved the Council adjourn.

On which motion the yeas and nays were called, and the vote was as follows:

*Yea.*—Messrs. Miles, Terry and Mr. President—3.

*Nays.*—Messrs. Bigelow, Huff, Patterson, Poe, Strickler and Yantis—6.

So the Council refused to adjourn. And the question being the previous question,

The yeas and nays were called, and the vote was as follows:

*Ayes.*—Messrs. Bigelow, Huff, Patterson, Strickler and Yantis—6.

*Nays.*—Messrs. Miles, Poe, Terry and Mr. President.

So the Council ordered the previous question, and the question being, Shall be bill be engrossed and read a third time?

Mr. Miles moved the Council adjourn.

On which motion,

The yeas and noes were called, and the vote was as follows:

*Yea.*—Messrs. Miles, Poe, Terry and Mr. President—4.

*Nays.*—Messrs. Bigelow, Huff, Patterson, Strickler and Yantis—5.

So the Council refused to adjourn.

And on the question, Shall the bill be engrossed and read a third time? The yeas and nays were called, and the vote was as follows:

*Yea.*—Messrs. Bigelow, Huff, Patterson, Strickler and Yantis—5.

*Nays.*—Messrs. Miles, Poe, Terry and Mr. President.—4.

So the bill was ordered to be engrossed and read a third time.

C. B. No. 6, coming up on its second reading, the question being on the adoption of the report of the committee on Judiciary,

The yeas and nays were called, and the vote was as follows:

*Yea.*—Messrs. Bigelow, Huff, Patterson, Strickler, Terry, Yantis and and Mr. President—7.

*Nays.*—Messrs. Miles and Poe—2.

So the amendment was adopted.

Mr. Miles moved to amend the bill by striking out "three hundred dollars" in the amended portion of the bill.

On which motion,

The yeas and nays being called, the vote was as follows:

*Yea*s.—Messrs. Bigelow, Huff, Miles, Strickler and Mr. President.—5.

*Nay*s.—Messrs. Patterson, Poe, Terry and Yantis—4.

So the amendment was adopted.

On motion of Mr. Strickler,

The bill was laid on the table.

Mr. Miles gave notice that he would move to strike out Rule No. 42, of the Council, on the meeting of the Council to-morrow.

H. B's. No. 6, 7, 8, 9 and 15, and H. J. R. No. 1, were severally read a first time; and,

H. B's 9 and 15 and H. J. R. No. 1, ordered to a second reading.

On motion of Mr. Miles,

H. B. No. 6, (the rules being suspended) was read a second time by its title. And,

On motion of Mr. Terry,

The bill, (H. B. No. 6,) was referred to the committee on Roads and Highways.

On motion of Mr. Miles,

The rules were suspended, and H. B. No. 7, read a second time by its title; and,

On motion of Mr. Terry.

Was referred to committee on Ways and Means.

On motion of Mr. Miles,

The rules were suspended, and H. B. No. 8, was read a second time by its title, and,

Referred to committee on Roads and Highways.

On motion of Mr. Huff,

*Ordered*, That that portion of the the Journal of Monday last requir-

ing the Door-Keeper and Sergeant-at-Arms to explain their action on Saturday last, be stricken from the Journal.

On motion of Mr. Huff,

The Council adjourned.

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THURSDAY, December 21st, 1854.

Council met pursuant to adjournment.

Journal read and approved.

Mr. Bigelow, chairman of the committee on Ways and Means, reported back C. B. No. 7, and recommended its passage.

Mr. Strickler, chairman of the committee on Printing, made the following report:

The committee on Printing, who were instructed to inquire into the security given by the Territorial Printer for the faithful discharge of his duties, beg leave to report, That the Territorial Printer gave a bond dated the 25th day of April, A. D., 1854, in the sum of five thousand dollars, to execute in a prompt and workman-like manner the public printing of the Legislative Assembly, and faithfully perform all the duties required of him by law, with R. L. Doyle and T. F. McElroy as sureties.

Mr. Poe from the joint committee on Enrolled and Engrossed Bills, made the following report:

The committee to whom was referred the joint resolution relative to procuring the services of some competent person to perform the duties of Enrolling and Engrossing Clerk, have procured the services of Elwood Evans, Esq.

(Signed,) \_\_\_\_\_

A. M. POE,  
Ch'n Joint Committee.

H. B. No. 9, was read a second time; and,

On motion of Mr. Yantis,

Was referred to the committee on Roads and Highways.

H. B. No. 15, was read a second time; and,

On motion of Mr. Terry,

Was ordered to be printed; and,  
Referred to committee on Corporations.  
H. J. R. No. 1, was read a second time and,

On motion of Mr. Yantis,  
Referred to the committee on Military Affairs.  
H. B. No. 7, was continued on its second reading.

On motion of Mr. Huff,  
Was postponed till 5th January next.  
C. B. No. 8, which was postponed on last Monday till to-day, was taken up.

On motion of Mr. Poe,  
The Council resolved itself into committee of the whole on C. B. No. 8.  
Mr. Terry in the Chair.

After some time spent in committee of the whole, the committee rose, and reported by their chairman, the bill, C. B. No. 8, back without amendment, and recommended its passage.

Mr. Poe moved that the bill under consideration be laid on the table till the 6th January next.

On which motion,  
The yeas and nays were demanded and the vote was as follows:

Ayes—Messrs. Miles, Poe and Mr. President—3.

Noes—Messrs. Bigelow, Huff, Patterson, Strickler, Terry and Yantis—6.

So the Council refused to postpone the bill.

Mr. Miles moved as an amendment, that the county Seat of Clarke county be stricken out, and "New Market, Thurston county," inserted.

On which motion,  
The ayes and noes were called, and the vote was as follows :

Ayes—Messrs. Miles, Poe and Mr. President—3.

Noes—Messrs. Bigelow, Huff, Patterson, Strickler, Terry and Yantis—6.

So the amendment was not adopted.

Mr. Miles moved to amend by striking out "the county seat of Clarke county," and inserting "Steilacoom, in Pierce county."

On which amendment the ayes and noes were called, and resulted as follows :

Ayes—Messrs. Miles, Poe and Mr. President—3.

Noes—Messrs. Bigelow, Huff, Patterson, Strickler, Terry and Yantis—6.

So the amendment was not adopted.

The question being—Shall the bill be engrossed and read a third time? Was decided in the affirmative.

Mr. Miles gave notice that he would move to amend the rules to-morrow, and continued his notice of yesterday until to-morrow.

C. B. No. 7, coming up in its order for third reading,

Mr. Poe moved that the bill be postponed till the 6th day of January next.

The yeas and nays being called, resulted as follows:

*Yea*s.—Messrs. Miles, Poe and Mr. President—3.

*Nay*s.—Messrs. Bigelow, Huff, Patterson, Strickler, Terry and Yantis—6.

So the Council refused to postpone the bill.

On motion of Mr. Bigelow,

The bill, (C. B. No. 7,) was postponed till 3d January next.

Mr. Strickler, from the committee on Printing, made a report relative to the printing of the laws.

Which,

On motion of Mr. Miles,

Was laid on the table.

On motion of Mr. Terry,

C. B. No. 6, was taken from the table.

On motion of Mr. Poe,

The bill was amended by striking out the last sentence of section 1.

Mr. Poe moved to further amend the bill by striking out the word "six" where it occurs, and inserting "two."

On which amendment the ayes and noes being called, the vote was as follows :

Ayes—Messrs. Patterson, Poe, Mr. President—3.

Noes—Messrs. Bigelow, Huff, Miles, Strickler, Terry, and Yantis—6.

So the amendment was not adopted.

Mr. Poe moved to amend the bill by striking out “two” where it occurs, and inserting “six.”

On which amendment the ayes and noes were called, and the vote was as follows :

Ayes—Messrs. Poe and Mr. President—2.

Noes—Messrs. Bigelow, Huff, Miles, Patterson, Strickler, Terry and Yantis—7.

So the amendment was not adopted.

Mr. Poe moved the bill be indefinitely postponed;  
Which motion was lost.

The question being—“Shall the bill be engrossed and read a third time?”  
The yeas and nays were called, and resulted as follows:

Yea.—Messrs. Bigelow, Huff, Miles, Patterson, Strickler, Terry and Yantis.—7.

Nays.—Messrs. Poe and Mr. President—2.

So the bill was ordered to be engrossed and read a third time.

On motion of Mr. Terry,

Council adjourned.

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FRIDAY, December 22d, 1854.

Council met pursuant to adjournment.

Journal of yesterday was read and approved.

Mr. Miles presented a petition from Wm. R. Strong, asking to be indemnified for duties performed as sheriff of Lewis county.

Which was referred to the committee on Judiciary.

Mr. Yantis, chairman of the committee on Military Affairs, reported back H. J. R. No. 1, and recommended its passage.

Mr. Miles, chairman of the committee on Elections, to whom was re-

ferred a motion relative to the terms of service of certain members of the Council, reported back the motion and recommended its indefinite postponement.

Which was adopted.

C. B. No. 6, was read a third time; and,

On the question—"Shall the bill pass?"

The ayes and nays being called for, the vote was as follows:

*Ayes*.—Messrs. Bigelow, Huff, Miles, Strickler, Terry and Yantis—6.

*Nays*.—Messrs. Patterson, Poe, and Mr. President—3.

So the bill passed.

C. B. No. 8, was read a third time; and,

The question being—"Shall the bill pass?"

Mr. Miles moved to postpone the bill until the 3d day of January next.

On which motion the ayes and noes were called, and the vote was as follows :

*Ayes*—Messrs. Miles and Mr. President—2.

*Noes*—Messrs. Bigelow, Huff, Patterson, Poe, Strickler, Terry and Yantis—7.

So the Council refused to postpone the bill.

The previous question being then taken,

The ayes and noes were called, and resulted as follows :

*Ayes*—Messrs. Bigelow, Huff, Patterson, Strickler, Terry and Yantis—6.

*Noes*—Messrs. Miles, Poe and Mr. President.

So the bill was passed.

A message from the House by their Clerk,

MR. PRESIDENT:—I am instructed by the House to inform you of the passage of

C. B. No. 9. An act to provide for printing the laws of Washington Territory, with amendments.

Also,

C. J. R. No. 1. Relative to indemnifying certain citizens of Washington Territory, with amendment.

Also,

H. B. No. 19. An act to amend an act entitled, 'an act to locate a territorial road from Cathlamett to the house of Sidney S. Ford's.

Also,

H. J. R. No. 2. Relative to adjournment.

And ask the concurrence of the Council therein.

H. J. R. No. 2. Relative to adjournment till 5th January, was taken up; rules suspended, amended to read the 3d day of January, at 10 o'clock.

Read a third time and passed.

Mr. Miles moved the rules be suspended, and the Clerk ordered to report the resolution to the House now.

Which was carried, and the resolution so reported.

Mr. Miles moved to amend the rules of the Council by striking out that portion of rule No. 42, relative to committees on Enrolled and Engrossed Bills.

Pending which motion,

On motion of Mr. Bigelow,

The matter was postponed until 3d day of January next.

C. J. M. No. 1, was read as amended in the House, and the question, "Shall the Council concur in said amendment?"

Was decided in the affirmative.

H. J. R. No. 1, was read a third time and passed.

Message from the House by their clerk :

MR. PRESIDENT—I am instructed by the House to inform you that the House have concurred in the amendment of the Council to H. J. R. No. 2, relative to adjournment until January 3d.

C. B. No. 9, as amended by the House, was read first time, and it appearing that the amendment was in the same words of H. B. No. 3, before rejected by the Council, the Chair decided that it could not be further considered.

H. B. No. 19, was read first time; and,  
Ordered to a second reading.

On motion of Mr. Yantis,

Council adjourned.

WEDNESDAY, January, 3, 1855.

Council met pursuant to adjournment.

Journal of December 23d read and approved.

H. B. No. 19. An act relative to a territorial road from Cathlamet to Sidney S. Ford's;

Was read a second time; and,

Referred to the committee on Roads and Highways.

C. B. No. 7—an act to locate the Territorial University—being the special order of the day,

The question being put—"Shall the bill pass?"

The ayes and noes were called, and the vote was as follows:

Ayes—Messrs. Bigelow, Huff, Patterson, Strickler, Terry, Poe, and Yantis—7.

Noes—Messrs. Miles and Mr. President—2.

So the bill was passed.

Mr. Poe, on leave introduced

C. B. No. 10. An act to exempt real estate from attachment and execution;

Which was read once; and,

Ordered to a second reading.

Mr. Terry asked leave of absence until Monday next.

The President appointed Mr. Strickler on the committee on Roads and Highways, and Mr. Poe on the committee on the Judiciary, during the absence of Mr. Terry.

On motion of Mr. Bigelow,

Council adjourned.

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THURSDAY, January 4th, 1855.

Council met pursuant to adjournment.

The Journal of yesterday read and approved.

On motion of Mr. Bigelow,  
A call of the House was ordered.

Mr. Yantis appeared, and,

On motion of Mr. Poe,

Was excused.

The Sergeant-at-Arms returned, and reported that he was unable to find  
Mr. Miles.

Mr. Bigelow, chairman of committee on Corporations, reported back  
H. B. No. 15. An act to incorporate the Puget Sound Steam Naviga-  
tion Company,

Without amendment, and recommended its passage.

Ordered to a third reading.

Mr. Yantis, chairman of committee on Roads and Highways, reported  
back,

H. B. No. 6. An act to provide for a territorial road from Vancouver  
to the Dalles of the Columbia river,

Without amendment, and recommended its passage.

Ordered to a third reading.

Mr. Yantis, from the committee on Roads and Highways, reported  
back

H. B. No. 8. An act to locate a territorial road from the Columbia  
river at Oak Point Mills, to intersect the territorial road from Cathlamet  
to Sidney S. Ford's,

With amendment; and,

H. B. No. 9. An act to locate a territorial road from Samuel  
Woodard's on the Willapa river to intersect at Boisfort Plains the terri-  
torial road from Cathlamet to Sidney S. Ford's,

Without amendment, and recommended their passage.

Amendment adopted, and bills postponed until Monday next.

Mr. Poe, to whom was referred that portion of the Governor's Mes-  
sage relative to military roads, reported

C. J. M. No. 2. Asking for an appropriation of \$110,000 for military  
roads.

Read once, rules suspended, read a second time, and ordered to be  
printed.

Mr. Huff, on leave being granted, presented

C. J. M. No. 3. Praying congress to remove the troops from the mili-  
tary post at Vancouver in Clark county.

Rules suspended, read a second time, and referred to committee on  
Memorials.

Mr. Poe appealed from the decision of the Chair made on C. B. No. 9, December 22d, 1854;

Which appeal was not sustained.

C. B. No. 10, was read a second time; and

Referred to the committee on the Judiciary.

Mr. Bigelow, on leave granted, introduced

C. B. No. 11. An act to assign the district judges of Washington Territory to their respective districts;

Ordered to a second reading.

Mr. Huff, on leave being granted, introduced the following resolution:

*Resolved*, That so much of the journal as relates to not calling the roll of the members of this house, be stricken out.

Mr. Miles appeared, and being required, explained the cause of his absence.

The Council refused to excuse him.

On leave being granted, Mr. Yantis introduced,

C. B. No. 12. An act appointing officers for the county of Walla-Walla.

Ordered to a second reading.

On motion of Mr. Huff,

The Council adjourned.

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FRIDAY, January 5th, 1855.

Council met pursuant to adjournment.

Journal of yesterday read and approved.

Mr. Yantis, from the committee on Roads and Highways, reported back H. B. No. 19, with an amendment.

C. B. No. 11. An act to assign the district judges of Washington Territory to the respective districts,

Was read a second time.

Mr. Bigelow moved to amend by striking out the name of F. A. Chenoweth, where it occurs, and inserting that of O. B. McFadden, and striking out the name of O. B. McFadden where it occurs, and inserting that of F. A. Chenoweth.

Pending which motion,

On motion of Mr. Yantis,

The bill, with amendments, was referred to the committee on Claims.  
C. B. No. 12. An act appointing officers for the county of Walla-Walla,

Was read a second time; and,

On motion of Mr. Huff,

Referred to committee on Ways and Means.

H. B. No. 6. An act to provide for a territorial road from Vancouver to the Dalles of the Columbia,

Was read a third time and passed.

H. B. No. 15. An act to incorporate the Puget Sound Steam Navigation Company,

Was read a third time and passed.

The resolution introduced yesterday relative to the calling of the roll of this house, coming up in its order,

The ayes and noes were demanded on its passage, and the vote was as follows :

Ayes—Messrs. Bigelow, Huff, Patterson, Strickler and Mr. President—5.

Noes—Messrs. Poe and Yantis—2.

So the resolution was adopted.

H. B. No. 7, being the order of the day, was taken up; and,  
The question being—Shall the bill be read a third time?

The yeas and nays were called, and the vote was as follows:

Yea.—Messrs. Huff, and Strickler—2.

Nays.—Messrs. Bigelow, Patterson, Poe, Yantis and Mr. President—5.

So the Council refused to pass the bill to its third reading.

Mr. Poe moved that the excuse of Mr. Miles for his absence on yesterday be received.

On which motion,

The yeas and nays were called, and the vote was as follows:

Yea.—Messrs. Bigelow, Poe, Strickler and Mr. President.—4.

*Nays.*—Messrs. Huff, Patterson and Yantis—3.

So Mr. Miles was excused, and resumed his seat.

H. B. No. 19. An act to amend an act entitled, 'an act to locate a territorial road from Cathlamet to the house of Sidney S. Ford's.

Coming up, the question being on the adoption of the amendment of the committee on Roads and Highways,

Was decided in the affirmative.

And the bill ordered to a third reading.

Mr. Poe, chairman of the committee on Memorials, reported back C. J. M. No. 3, relating to the removal of the military post from Vancouver, with amendment,

Which amendment was adopted; and the memorial.

Ordered to a third reading.

Leave being granted, Mr. Bigelow, chairman of committee on Judiciary, reported back

C. B. No. 10. An act to exempt real estate from attachment and execution;

With an amendment,

And recommended its passage.

Mr. Huff moved that the bill be indefinitely postponed,

On which motion,

The yeas and nays being called, resulted as follows:

*Yea.*—Messrs. Bigelow, Huff and Mr. Patterson—3.

*Nays.*—Messrs. Miles, Poe, Strickler, Yantis and Mr. President—5.

So the Council refused to postpone.

And the amendment proposed by the committee was adopted.

Mr. Miles moved the following amendment:

Insert after the word "Standing," "and that personal property to the amount of ten thousand dollars."

On which amendment the ayes and noes being called, the vote was as follows :

Ayes—Messrs. Miles, Patterson and Mr. President—3.

Noes—Messrs. Bigelow, Huff, Poe, Strickler and Yantis—5.

So the amendment was not adopted.

Mr. Bigelow moved to amend the bill by striking out the word "one hundred and sixty" and inserting "forty."

On which amendment the ayes and noes were called, and resulted as follows :

*Yea.*—Messrs. Bigelow, Huff, Strickler, Yantis and Mr. President—5.

*Nay.*—Messrs. Miles, Patterson and Poe—3.

So the amendment of Mr. Bigelow was adopted.

And the bill ordered to a third reading.

Mr. Poe, on leave being granted, introduced

C. B. No. 13. An act to amend an act entitled an act to create Cowlitz county, and define its boundaries.

Ordered to a second reading.

Mr. Patterson, on leave being granted, introduced,

C. J. M. No. 4. Relating to the rights of the Hudson Bay and Puget Sound Agricultural Companies;

Which was read once, rules suspended and read a second time by its title; and

Referred to the committee on Memorials.

Message from the House by their clerk :

MR. PRESIDENT—I am instructed by the House to inform you of the passage of an act to locate by popular vote the county seat of Chehalis county, and ask the concurrence of the Council therein;

Also,

That the House insists on their amendment to C. B. No. 9.

H. B. No. 14. An act to locate by popular vote the county seat of Chehalis county,

Was taken up, read a first time, rules suspended, read a second time, and,

Referred to the committee on Counties.

C. B. No. 9, with House amendment coming up, the Chair decided all action by the Council on this bill to be out of order, inasmuch as it is the same bill and amendment, before decided to be out of order in this House.

Mr. Yantis gave notice that he would on next Monday week, the 15th inst., introduce a bill to provide for publishing certain laws in the Pioneer and Democrat.

On motion of Mr. Bigelow,

C. J. M. No. 2—asking appropriations for military roads—was taken up, and rules suspended, read a third time and passed.

Mr. Yantis introduced the following resolution :

*Resolved*, That the resolution requiring the Council to hold but one session a day be erased from the journals.

On motion of Mr. Huff,

The rules were suspended that C. J. M., No. 3, be read a third time now.

The question being then on the passage of the memorial,

The yeas and nays were called, and the vote was as follows:

*Ayes*.—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Yantis and Mr. President.

So the memorial passed unanimous.

On motion of Mr. Huff,

The Council adjourned.

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SATURDAY, Jan. 6, 1855.

Council met pursuant to adjournment.

All present but Mr. Terry.

Journal read, corrected, by inserting the names of the members, on an unanimous vote at the request of Mr. Miles, and approved.

Mr. Bigelow asked and obtained the unanimous consent of the Council to have C. J. M.'s, No. 2 and 3 reported to the House to-day, and the clerk so reported them.

Mr. Bigelow, chairman of the committee on Ways and Means, reported back C. B. No. 12—an act to appoint officers for the county of Walla-walla—without amendment, which report was adopted and the bill ordered to a third reading.

Mr. Patterson, chairman of the committee on counties, reported back H. B. No. 14—an act to locate by popular vote the county seat of Chehalis county—which was read a second time, and

On motion of Mr. Miles,

Referred to the committee on counties.

H. B. No. 19—an act to amend an act entitled an act to locate a Territorial road from Cathlamet to the house of Sidney S. Ford in Thurston county—was read a third time, and the question being, shall the bill pass?

The yeas and nays were demanded and the vote was as follows:

**Ayes**—Messrs. Bigelow, Miles, Huff, Patterson, Poe, Strickler, Yantis and Mr. President.—Unanimous.

So the bill was passed.

C. B. No. 10—an act to exempt real estate from attachment and execution,

Was read a third time; and,

The question being—“Shall the bill pass?”

The yeas and noes were called, and the vote was as follows:

**Yea**s.—Messrs. Bigelow, Huff, Miles, Poe, Strickler, Yantis and Mr. President—7.

**Nay**s.—Mr. Huff.

On motion of Mr. Miles,

*Ordered*, That the committee on Printing be instructed to confer with the committee on Printing of the House, to take into consideration the propriety of printing a sufficient number of bills for both houses when ordered printed for either House.

Mr. Poe moved that Mr. Bigelow be added to the committee on Printing.

Mr. Miles moved to amend the motion by adding Mr. Bigelow to the committee as chairman.

Which amendment and motion were lost.

The resolution introduced yesterday, relative to erasing that portion of the Journal requiring the Council to hold but one session a day, was taken up; and,

The question being upon its passage,

Was decided in the negative.

So the resolution was not passed.

On motion of Mr. Bigelow,

*Ordered*, That a select committee of five be appointed to revise and correct the fee bill of last session if necessary.

The Chair announced Messrs. Bigelow, Huff, Miles, Poe and Strickler, said committee.

Mr. Patterson moved to adjourn.

Which motion was decided in the negative.

On motion of Mr. Poe,

The Council resolved itself into committee of the whole to discuss the best method of procuring a block of marble for the Washington Monument.

Mr. Poe in the chair.

After some time spent in committee, the committee rose, and reported through their chairman that they could not agree upon any method.

Which report was adopted.

On motion of Mr. Huff,

The Council adjourned.

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MONDAY, January 8th, 1855.

Council met pursuant to adjournment.

All present but Mr. Terry.

Journal of yesterday was read and approved.

Mr. Miles, from the committee on Printing, made the following report:  
The committee on Printing have directed the Territorial Printer to print 100 copies of each bill for the use of both houses.

Mr. Miles, on leave being granted, introduced,

C. J. R. No. 3. Relative to firing a salute at noon in honor of the day.

Which, the rules being suspended,

Was read a third time and passed.

There being no objection, the Clerk was ordered to report the resolution to the House, and the Clerk so reported it.

H. B. No. 14. An act to locate by popular vote the county seat of Chehalis county,

Was read a third time and passed.

C. B. No. 12. An act appointing officers for the county of Walla-Walla,

Was read a third time; and,  
Pending the question of its passage,

On motion of Mr. Huff,

Was postponed till Wednesday next.

H. B. No. 8. An act to locate a territorial road from the Columbia river at Oak Point Mills, to intersect the territorial road from Cathlamet to Sidney S. Ford's,

Was read a third time; and,  
Pending the question—Shall the bill pass?  
Mr. Huff moved to postpone till Wednesday next.  
Which motion was lost; and,

On motion of Mr. Huff,

The bill laid on the table till to-morrow.

H. B. No. 9. An act to locate a territorial road from Samuel Woodard's on the Willapa river to intersect at Boisfort Plains the territorial road from Cathlamet to Sidney S. Ford's,

Was read a third time; and,  
The question being—"Shall the bill pass?"  
Was decided in the negative.  
So the Council refused to pass the bill.

C. B. No. 13. An act to amend an act entitled an act to create Cowlitz county, and define its boundaries.

Was read a second time; and,  
Pending the question—Shall the bill be engrossed and read a third time?

On motion of Mr. Miles,

It was laid on the table till to-morrow.  
A message from the House by their Clerk,

MR. PRESIDENT:—I am instructed by the House to inform you of the passage of

C. B. No. 3. With amendments.

Also,

C. J. R. No. 3. Relative to firing a salute, with amendments.  
And ask the concurrence of the Council therein;

On motion of Mr. Yantis,

The report of the committee on Printing made this morning, was adopted.

The amendments offered to C. J. M. No. 4, by the committee on Memorials, coming up in order, the following amendments were adopted:

1st. In the 6th line, strike out the words "factors" and insert after "agents" "and servants."

2d. In the 7th line strike out "factors," and insert "and servants" after the word "agents."

3d. In the 8th line, insert after the period, the words "a fear of."

4th. In the 13th line, insert after the words "him," "in the year 1852."

5th. Insert after the period in the 14th line, "It is therefore to the importance of having the nature and extent of their claims defined that we call your attention, to the end that those of our citizens who hold claims under the donation act may be relieved from the very great uncertainty which exists, and tends so materially to retard the growth and improvement of the country in the vicinity of the claims of those companies ; and we further wish to show that the lands now claimed by those companies, and at this time in dispute, are not more valuable than the lands in other localities, and therefore if purchased it should not be at a higher rate than could with propriety be paid for any other lands in this territory, and having once determined the extent of their claims, it will be comparatively easy to establish the value thereof."

7th. Strike out the word "hide" in the 37th line, and insert the word "slide."

8th. Insert the word "the" after the word "right to" in the 38th line.

9th. Strike out the word "wide" and insert "rude" in the 57th line.

10th. Insert the word "to" after the word "it" in the 59th line, and the 6th amendment offered by the committee, viz : to strike out the word "monument" and insert "munitment" in 36th line was rejected.

On motion of Mr. Bigelow,

The word "induced" was stricken out in the second line, and the word "caused" inserted.

Mr. Poe moved to strike out the words "right, title, or interest," in the tenth line.

Which motion was lost.

On motion of Mr. Yantis,

The word "are" was stricken out of the 2d line, and the word "is" inserted.

On motion of Mr. Poe,

The memorial as amended, was referred to the committee on the Judiciary, with instructions to report to-morrow.

C. B. No. 3. An act to provide for the selection of the place for the location and erection of the Seat of Government of the Territory of Washington.

Coming up with amendments of the House, pending the question—Shall the Council concur?

On motion of Mr. Miles,

The bill as amended, was laid on the table and ordered to be printed.

Mr. Poe, on leave being granted, introduced the following:

C. J. R. No. 4.

*Resolved by the Council, the House concurring therein,* That our delegate in Congress be, and is hereby instructed to use his influence with the Congress of the United States to procure the passage of a law to establish a port of delivery at some suitable point on the island of San Juan, in Washington Territory, and to provide a Surveyor and Inspector of Customs to occupy the said port of Delivery.

Which was read once; and,

Passed to a second reading.

Leave being granted, Mr. Yantis introduced a resolution relative to the appointment of a committee to revise the revenue bill.

Mr. Miles moved to adjourn.

Lost.

Mr. Yantis withdrew his resolution.

Leave being granted, Mr. Miles introduced,

C. B. No. 14. An act for the benefit of Captain Tyrrel;

Which was read once; and

The Chair decided it to be out of order, its object being to confer a title upon the person for whose benefit it was made.

On motion of Mr. Yantis,

*Ordered,* That a committee of three be appointed with instructions to take the revenue bill of last session of the legislature, under consideration and report such amendments as they may deem necessary, and that the President be requested to assist such committee in the performance of their duties.

Mr. Miles moved that the committee above referred to, be appointed by the Council.

Which motion was lost.

The Chair then announced Messrs. Yantis, Bigelow and Huff, as said committee.

On motion of Mr. Bigelow,

The Engrossing and Enrolling Clerk was requested to act as clerk of the committee on the revenue bill.

Leave being granted, Mr. Yantis introduced,

C. B. No. 15. An act to amend an act to provide for assessing and collecting county revenue.

Which was read once; and,

Pending the question—Shall the bill be read a second time?

On motion of Mr. Bigelow,

The bill was postponed till the 22d inst.

On motion of Mr. Miles,

The Council adjourned.

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TUESDAY, January 9th, 1855.

Council met pursuant to adjournment.

All present but Messrs. Terry and Poe.

Journal of yesterday read, corrected by striking out the yeas and nays on the amendment to C. J. M. No. 4, and approved.

Mr. Yantis, chairman of the committee on Claims, reported back

C. B. No. 11. An act to assign the district judges of Washington Territory to the respective districts,

With amendments, which had been referred, and stated that the committee could not agree upon a report, and asked to be relieved from the further consideration of the bill.

Which request was granted.

C. J. R., No. 4. Relative to a port of delivery on the island of San Juan,

Was read a second time; and,

Ordered to a third reading.

C. B. No. 13. An act to amend an act entitled, 'an act to create Cowlitz county, and define its boundaries.'

Pending the question—Shall the bill be read a third time?

On motion of Mr. Miles,

The bill was laid on the table.

H. B. No. 8. An act relative to a territorial road from Oak Point Mills to Boisfort Plains,

Coming up in its order for a third reading,

On motion of Mr. Yantis,

It was referred back to the committee on Roads and Highways.

On motion of Mr. Miles,

The vote of the Council by which C. B. No. 9—an act relative to a Territorial road from the Willapah river to Boisfort Plains—was lost on yesterday, was reconsidered and the bill referred back to the committee on Roads and Highways.

On motion of Mr. Bigelow,

C. B. No. 3—an act relative to the location of the seat of government of the Territory—was taken up, and the Council concurred in the amendment of the House.

The bill was then ordered to a third reading.

A message from the House by their Clerk:

MR. PRESIDENT:—I am instructed by the Speaker of the House to inform the Council of the passage of H. J. R. No. 4, resolution relative to appointing residents of this Territory to offices to be conferred within the Territory, and request their concurrence in the same.

C. B. No. 11. An act to assign the district judges of Washington Territory to their respective districts;

The question being on the adoption of the amendment to the bill,

The ayes and noes being demanded, the vote was as follows :

Ayes—Messrs. Bigelow, Huff, Miles, Patterson, Strickler and Mr. President—6.

Noes—Messrs. Poe and Yantis—2.

So the amendments were adopted.

On motion of Mr. Poe,

The bill was laid on the table.

H. J. R. No. 4 was taken up, and

On motion of Mr. Miles,

The rules were suspended and the resolution read a second time now.

Mr. Bigelow, chairman of the committee on Judiciary, to whom was referred C. J. M. No. 4, reported progress and obtained leave for further time.

On leave, Mr. Yantis introduced C. B. No. 16—an act touching the relation of guardian and ward.

Read once and ordered to a second reading.

On motion of Mr. Yantis,

Council adjourned.

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WEDNESDAY, January, 10, 1855.

Council met pursuant to adjournment.

*Present.*—Messrs. Bigelow, Huff, Miles, Poe, Strickler and Yantis.  
The Journal of yesterday read and approved.

C. B. No. 16—an act relating to guardian and ward—was read a second time.

C. B. No. 3—locating the seat of government—came up.

Pending the question, shall the bill pass?

Mr. Miles moved a call of the House, and the Door-keeper, in the absence of the Sergeant-at-Arms, was directed to bring in absent members.

The call was dispensed with to proceed with other business.

A message from the House by their clerk.

C. J. R. No. 4—relative to a port of delivery upon the Island of San Juan—was read a third time and passed.

C. B. No. 8—locating the Penitentiary at the county seat of Clarke county, with House amendments—was taken up, and pending the question, shall the Council concur?

On motion of Mr. Miles,

It was laid on the table to be printed.

C. B. No. 12—an act appointing officers for the county of Walla-Walla—(the order of the day for to-day) was taken up, and pending the question of passage,

On motion of Mr. Yantis,

Was referred to the committee on Counties.

On motion of Mr. Huff,

H. J. R. No. 4—relative to the appointment of citizens of this Territory to offices within this Territory—was taken up, and

On motion of Mr. Catlin,

The rules were suspended and the resolution read a third time now.

Pending the question, shall the resolution pass?

On motion of Mr. Catlin,

The question was divided, and the vote taken on the preamble and first resolution.

On which the ayes and noes being demanded, the vote was as follows:

Ayes—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry, Yantis and Mr. President.—Unanimous.

So the preamble and 1st resolution were passed.

On motion of Mr. Miles,

Messrs. Catlin and Yantis were excused from voting on the last resolution.

On which motion the ayes and noes were called, and the vote was as follows:

Ayes—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, and Terry.—Unanimous.

So the resolution (H. J. R. No. 4) was unanimously passed.

On motion of Mr. Bigelow,

C. B. No. 3. Locating the Seat of Government, was taken up, and The question being—“Shall the bill pass?”

The yeas and noes were called, and the vote was as follows:

Yea.—Messrs. Bigelow, Huff, Miles, Poe, Patterson Strickler, Yantis and Mr. President.

So the bill passed unanimously.

The Chair then put the question,

Shall the title of the bill stand as read.

Which was decided in the affirmative.

On leave being granted, Mr. Miles introduced

C. J. R. No. 5. Relative to the appointment of a committee required by a provision in C. B. No. 3;

Which was read once; and,

On motion of Mr. Bigelow,

The rules were suspended, and the resolution read a second time by its title.

On motion of Mr. Bigelow.

The blanks in the resolution, (C. J. R. No. 5,) were filled by inserting the names of Messrs. Yantis and Miles.

On motion of Mr. Bigelow;

The rules were further suspended, and the resolution read a third time and passed.

On motion of Mr. Miles,

The rules were suspended, and the Clerk ordered to report the passage of C. J. R. No. 5, and H. J. R. No. 4, to the House.

Mr. Bigelow moved to adjourn.

Which motion was lost.

On leave being granted, Mr. Huff introduced,

C. B. No. 17. An act to provide a block for the Washington Monument at Washington City;

Which was read once; and,

Ordered to a second reading.

Mr. Miles gave notice that at an early day he would introduce a bill to repeal the law to prevent fighting and duelling.

Mr. Miles moved to adjourn.

Which motion was lost.

On motion of Mr. Poe,

The Rules were suspended, and C. B. No. 17, read a second time.

On motion of Mr. Miles,

The bill was amended by striking out the abbreviated word "Col." before "I. N. Ebey."

Mr. Huff moved to refer the bill to the committee on Commerce.

Lost.

On motion of Mr. Yantis,

The bill was referred to the committee on Ways and Means.

On motion of Mr. Miles,

The committee were instructed to report on C. B. No. 17, to-morrow.  
Mr. Miles moved to adjourn;  
Which motion was lost.

On motion of Mr. Poe,

The Council resolved itself into committee of the whole on the state of the Union.

Mr. Poe in the chair.

After some time spent in committee, the committee rose, and reported through their chairman, the state of the Union, to be healthy; Report rejected.

On motion of Mr. Huff,

The Council adjourned.

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THURSDAY, January 11th, 1855.

Council met pursuant to adjournment.

All present but Mr. Miles.

Journal of yesterday read and approved.

Mr. Bigelow, chairman of the committee on Ways and Means, reported back,

C. B. No. 17. Providing for a block for the Washington Monument, and recommended its passage.

Mr. Patterson, chairman of the committee on counties, reported back

C. B. No. 12. An act appointing officers for the county of Walla-Walla, with an amendment, and recommended its passage.

A message from the House by their Clerk:

MR. PRESIDENT:—I am instructed by the the House to report to you the passage of

H. B. No. 20—an act to amend an act entitled an act to locate a Territorial road from Steilacoom to Seattle ;

No. 21—an act to locate a Territorial road from Pacific City to the Narcota Landing on Shoalwater Bay ;

H. B. No. 27—an act to locate a Territorial road from Vancouver to Cowlitz Farms ;

H. B. No. 25—an act for the preservation of Oysters on Shoalwater Bay;

H. B. No. 28—an act to amend an act entitled an act relative to crimes and punishments and proceedings in criminal cases;

H. B. No. 30—an act to amend an act entitled an act to organize the county of Pierce;

H. B. No. 33—an act to incorporate the Agricultural Society of Washington Territory;

H. B. No. 40—an act to locate the county seat of Sawamish county;

H. B. No. 31—an act to locate the county seat of Whatcom county;

H. J. R. No. 3—relative to increasing the salary of the collector of the district of Puget Sound, and ask the concurrence of the Council therein;

Also, that the House has concurred in Council amendments to H. B. No. 19.

C. B. No. 12—appointing officers for the county of Walla-walla—was taken up, the amendments reported by the committee on counties adopted, and the bill ordered to a third reading.

On motion of Mr. Yantis,

The rules were suspended and H. J. R. No. 3 was read a second time now.

Mr. Bigelow moved to amend by striking out the last clause of the resolution.

On which motion the ayes and noes were called, and the vote was as follows :

Ayes—Messrs. Bigelow, Huff, Patterson, and Strickler—4.

Noes—Messrs. Miles, Poe, Terry, Yantis and Mr. President—5.

So the amendment of Mr. Bigelow was not adopted.

On motion of Mr. Terry,

The rules were further suspended, and the resolution read a third time now.

The question being on the passage of the resolution,

The yeas and nays being called, resulted as follows:

Yea.—Messrs. Bigelow, Miles, Poe, Strickler, Terry and Yantis—6.

Nays.—Messrs. Huff, Patterson and Mr. President—3.

So the resolution was passed.

On motion of Mr. Yantis,

The rules were further suspended, and the Clerk ordered to report the passage to the House of H. J. R. No. 3, to-day.

H. B.'s. No. 20, 21, 25, 27, 33, 31 and 40, were severally read a first time, and ordered to a second reading.

H. B. No. 30—was read 1st time, and,

On motion of Mr. Terry,

The rules were suspended, and the bill read a second time.

On motion of Mr. Bigelow,

The bill was referred to the committee on Counties, with instructions to report in what manner its provisions interfered with other counties.

On motion of Mr. Bigelow,

C. B. No. 11. An act to assign the district judges of Washington Territory to their respective districts;

Was taken up, and pending the question,

Shall the bill be read a third time?

Mr. Poe moved to amend the bill by striking out that portion which relates to O. B. McFadden.

Which motion was lost.

The question being—"Shall the bill be engrossed and read a third time?" The yeas and nays were called, and resulted as follows:

*Yea*.—Messrs. Bigelow, Huff, Miles, Patterson and Mr. President—5.

*Nays*.—Messrs. Poe, Strickler, Terry and Yantis.—4..

So. the bill was ordered to a third reading.

Mr. Poe moved to take up C. B. No. 23.

Which motion was lost.

On leave being granted, Mr. Patterson introduced the following resolution:

*Resolved by the Council*, That the Governor be respectfully requested to communicate to the Council any information he may have in his possession in regard to the manner in which congress arrived at the estimate amount of three hundred thousand dollars, as the value of the legal claims and rights of the Hudson Bay and Puget Sound Agricultural Companies. If an estimate has been made by the Governor or any person under his direction, will his Excellency please to communicate the estimated value of the rights of trade, and the rights of possession, and all other separate

estimates that may have been made; and whether a report has been made to congress, or any of the departments, and if the stock of cattle and sheep were included in the estimate.

Mr. Poe moved to amend the resolution by inserting—"That all other persons be invited to favor this Council with their opinions on the same subject."

Which amendment was lost.

On motion of Mr. Poe,

The rules were suspended and the resolution read a second time now.

The question then being—Shall the resolution pass?

The yeas and nays were called, and the vote was as follows:

*Yea*s.—Messrs. Bigelow, Huff, Miles, Patterson, Strickler and Mr. President—7.

*Nay*s.—Messrs. Poe and Yantis—2.

On motion of Mr. Yantis,

H. B. No. 20, 21 and 27, the rules being suspended, were severally read a second time; and,

Referred to the committee on Roads and Highways.

On motion of Mr. Poe,

H. B. No. 25, the rules being suspended,  
Was read a second time.

Mr. Bigelow moved to refer the bill to committee on Indian Affairs.  
Motion lost.

On motion of Mr. Miles,

The bill was referred to the committee on the Judiciary.

On motion of Mr. Huff,

Mr. Poe moved to refer C. B. No. 8, to committee on Judiciary; Lost.  
C. B. No. 8, with House amendments, was taken up;

Mr. Poe moved to adjourn.  
Motion lost.

Mr. Miles moved to amend by striking out the words "six months," and all after the word "provided," and insert "That a committee of two from the Council and three from the House be appointed to receive and examine the title to the land proposed to be donated, and to be satisfied with the same."

On which amendment the ayes and noes were called, and resulted as follows :

*Yea*s.—Messrs. Miles and Poe—2.

*Nay*s.—Messrs. Bigelow, Huff, Patterson, Strickler, Terry, Yantis and Mr. President—7.

So the amendment was not adopted.

The question then being—Will the Council agree in the House amendment?

The ayes and noes being demanded, the vote was as follows :

*Aye*s—Messrs. Bigelow, Huff, Patterson, Strickler, Terry, Yantis and Mr. President—7.

*Noe*s—Messrs. Miles and Poe—2.

So the Council concurred in the amendment of the House.

The question then being—Shall the bill pass?

The yeas and nays were called, and the vote was as follows:

*Aye*s.—Messrs. Bigelow, Huff, Patterson, Strickler, Terry Yantis and Mr. President—7.

*Nay*s.—Messrs. Miles and Poe—2.

So the bill passed.

Pending the question—Shall the title to the bill stand as read?

Mr. Poe moved to amend the title by inserting, “and to obtain a grant of ten acres of land to be used as a site for the same.

On which amendment the ayes and noes being called, the vote was as follows :

*Aye*s—Messrs. Miles, Poe and Mr. President—3.

*Noe*s—Messrs. Bigelow, Huff, Patterson, Strickler, Terry and Yantis—6.

So the amendment was not adopted.

Mr. Miles moved to amend the title by inserting the words ‘down south.’ Which motion was lost, and the original title passed.

C. B. No. 16. Relative to guardian and ward,  
Was taken up, and ordered to a third reading.

On motion of Mr. Huff,

The Council adjourned.

FRIDAY, January 12th, 1855.

Council met pursuant to adjournment.

All present but Mr. Miles.

Journal of yesterday was read and approved.

Mr. Terry, chairman of committee on Roads and Highways, reported back H. B's. No. 8, 9 and 20, severally with amendments.

M. Bigelow, chairman of the committee on the Judiciary, reported back C. B. No. 17, without amendment, and recommended its passage.

Mr. Miles appeared and was excused.

Mr. Bigelow, on leave being granted, introduced,

C. B. No. 18. An act to amend the common school law.

Which was read once; and,

Ordered to a second reading.

Leave being granted, Mr. Yantis introduced,

C. B. No. 19. An act to organize the Militia.

Which was read once; and,

Passed to a second reading.

H. B. No. 28, was read a second time, and

On motion of Mr. Terry.

Referred to the committee on commerce.

H. B. No. 33 was read a second time.

Mr. Poe moved to amend by striking out the words "ten thousand" and inserting the words "fifty thousand."

Pending which motion,

On motion of Mr. Miles,

The bill, with proposed amendment, was referred to the committee on corporations.

H. B. No. 40 was read a second time, and

On motion of Mr. Miles,

Referred to the committee on Judiciary.

C. B. No. 11. An act to assign the district judges of Washington Territory to the respective districts,

Was read a third time, and the question being,  
Shall the bill pass ?

The yeas and nays were called, and the vote was as follows:

Ayes—Messrs. Bigelow, Miles, Huff, Patterson and Mr. President—5.

Noes—Messrs. Poe, Terry, Strickler and Yantis—4.

So the bill passed and its title was approved.

C. B. 12—appointing officers for the county of Walla-walla—was read a third time and passed and its title approved.

C. B. No. 16—an act touching the relation of guardian and ward—was read a third time and passed and its title approved.

On leave being granted, Mr. Poe introduced C. J. R. No. 6—relative to the purchase of Vancouver's Island—which was read once and ordered to a second reading.

A communication and message from the Governor, delivered by his private secretary, was received and read in the words following, to-wit :

EXECUTIVE OFFICE,  
Olympia, W. T. Jan. 11, 1855. }

To THE HON. SETH CATLIN,

*President of the Council of Washington Territory:*

SIR :

In answer to a resolution of the Honorable Council of this date, requesting the Governor to communicate to the Council "Any information he may have in his possession in regard to the manner in which Congress arrived at the estimated amount of three hundred thousand dollars as the value of the legal claims and rights of the Hudson's Bay and Puget Sound Agricultural Companies—If any estimate has been made by the Governor or any person under his direction, will his Excellency please to communicate the estimated value of each company, and the particular kinds of property, and value of the right of trade, and the right of possession, and all other separate estimates that may have been made, and whether a report has been made to Congress or any of the departments, and if the stock of cattle and sheep were included in the estimate."

I have the honor respectfully to state, congress not having taken any action in regard to the Hudson's Bay and Puget Sound Agricultural Companies, I assume the resolution has reference to the action of the Senate,

which, in an amendment to the civil and diplomatic appropriation bill proposed to buy the claims of these companies, and of British subjects, and for this purpose proposed the appointment of a commissioner to examine into and adjudicate all claims, and the appropriation of \$300,000. By reference to the published proceedings of congress, it will appear that this proposition was introduced into the Senate by the committee on Finance, and on the recommendation of the Hon. Wm. L. Marcy, the Secretary of State.

A report was made by me under the direction of the Secretary of State to the State Department, as to the legal rights and claims of these companies, and an estimate was also made of the value of the lands, farms and property of the Puget Sound Agricultural Company, and of the Hudson's Bay Company. 1. That the possessory rights were a mere naked right of possession. 2. That these rights simply gave them a right to their buildings and enclosures. 3. That these rights ceased with the expiration of their charter in 1863. 4. That it gave them no right to trade with Indians. In reference to the Puget Sound Agricultural Company, the following views were presented: 1. That the 4th article of the treaty pledged the faith of the government to confirm to them their farms, lands and other property. 2. That they could simply claim and have confirmed to them their buildings and enclosures, and the right of wood and pasture in common with settlers on unclaimed lands, which right of common could be set off by commissioners. 3. That when confirmed in their lands, farms and other property, they held the property thus confirmed in fee.

In reference to both companies it was contended, That they have set up the most extravagant pretensions, the effect of which, if yielded to, would be not to transfer the sovereignty of the country from Great Britain to the United States, but from Great Britain to the Hudson's Bay and Puget Sound Agricultural Companies.

In this report, it was recommended that congress should appoint a commissioner or commissioners to investigate and adjudicate upon the whole matter, and the estimate of \$300,000 was given as a maximum which would be certain to extinguish all possible claims. No valuation, properly speaking, was made by me; but simply an estimate, which it would be safe for congress to act upon in providing for the adjudication of the claims; and it was urged that the valuation must be made by commissioners, charged with the special duty. The right of trade was not considered a proper subject to estimate upon, such right not having been recognized in the treaty; nor was the value of the sheep or cattle included in the estimate.

I have the honor to be, very respectfully, &c., -

(Signed,)   
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ISAAC I. STEVENS.

## GOVERNOR'S MESSAGE.

*To the President of the Council :*

The Legislative Assembly having located the Seat of Government, I feel it incumbent upon me to state that an appropriation of \$5,000 is now in the treasury, subject, in the words of the organic act to be "applied by the Governor to the erection of suitable buildings at the Seat of Government."

Unless drawn at an early period, this appropriation will revert to the surplus funds, and I will therefore respectfully suggest that it be applied to the erection of a temporary building on the grounds selected as a site for the permanent structure, and available for offices when the latter is completed.

The capitol of the territory should be adapted to its future growth as a model of architecture, ought to leave nothing to be desired when our territory becomes a State.

It will require some years in its erection; and in the mean time a building will be needed for the assembly, and for public offices.

It is apprehended at this late period of the session of congress, and the time required to communicate in the way of memorial, the views of the Legislative Assembly, that a law cannot be passed placing the funds in the hands of commissioners, appointed by the Legislative Assembly, which would be the best and wisest arrangement.

In the present condition of the appropriation, I have deemed it expedient to communicate the facts to your Honorable body, and to state my readiness at once in conformity with the provisions of the organic act to draw out the money and apply it at once to the erection of temporary buildings, should such be the desire of the Legislative Assembly.

(Signed,)

ISAAC I. STEVENS.

On motion of Mr. Yantis,

200 copies of the Governor's letter were ordered to be printed.

Mr. Poe moved that 200 copies of the Governor's Message be printed. Which motion was lost; and,

On motion of Mr. Huff,

150 copies were ordered to be printed.

Leave being granted, Mr. Bigelow introduced,

C. B. No. 20. An act to provide for the selection and location of two townships of land to aid in the establishment of a University;

Which was read once, and ordered to a second reading.

Leave being granted, Mr. Yantis introduced,

C. B. No. 21. An act to authorize the district courts to change the names of persons;

Which was read once, and ordered to a second reading.

C. B. No. 17, was taken up, and,

Pending the question—Shall the bill be read a third time?

Mr. Poe moved to amend the bill by striking out the name of "I. N. Ebey," where it occurs, and inserting that of "William Webster."

On which motion the ayes and noes were called, and the vote was as follows :

Ayes—Messrs. Bigelow, Poe, Terry, Yantis and Mr. President—5.

Nayes—Messrs. Huff, Miles, Patterson and Strickler—4.

So the bill was ordered to its third reading.

H. B. No. 8—was taken up.

Mr. Bigelow moved to amend by striking out "three," and inserting "one" in the 2d line, 4th section.

Which motion was lost.

The question then being on the amendment of the committee on Roads and Highways,

Was decided in the affirmative, and the amendment adopted.

Pending the question—Shall the bill be engrossed and read a third time?

Mr. Bigelow moved that the bill, together with H. B. No. 9, be referred to the committee on Counties, with instructions to report them back to the Council so amended, that the roads provided for, shall be no expense to the several counties through which they run.

Mr. Yantis moved to amend the motion by instituting a select committee composed of Messrs. Miles, Bigelow and Huff, instead of the committee on Counties;

Which amendment was adopted, and motion carried.

On motion of Mr. Poe,

The rules were suspended, and, C. J. R. No. 6—relative to the purchase of Vancouver's Island;

Was read a second time,

H. B. No. 20—was taken up, amendment of the committee on Roads and Highways adopted, and bill ordered to a third reading.

H. B. No. 25—was read a second time; and,

Ordered to a third reading.

On motion of Mr. Yantis,

The Council adjourned.

SATURDAY, Jan. 13, 1855.

Council met pursuant to adjournment.

All present but Mr. Yantis.

The Journal of yesterday read and approved.

On leave, Mr. Huff introduced,

C. J. M. No. 5.—Asking congress for an appropriation for the Penitentiary;

Which was read twice, the rules being suspended.

Mr. Poe moved to amend the memorial by inserting \$200,000 in the blank.

Which motion was lost.

On motion of Mr. Bigelow,

The memorial was amended by inserting the words of "fifty thousand dollars" after the word appropriation.

Mr. Miles moved that the rules be suspended, and the memorial read a third time now. There being no objection,

The memorial was read a third time and passed, and the Clerk ordered to report its passage to the House to-day.

Mr. Miles, from the committee on Corporations, reported back H. B. No. 33, with an amendment, and recommended that the proposed amendment referred to the committee with the bill be not adopted.

Mr. Terry, chairman of the committee on Commerce, reported back H. B. No. 28, with an amendment.

Mr. Patterson, chairman of the committee on Counties, reported back H. B. No. 30, and recommended its passage.

Mr. Bigelow, chairman of the committee on Judiciary, reported back H. B. No. 40, without amendment, and C. J. M. No. 4, with amendment, and recommended its passage.

C. B's. No. 18, 19, 20 and 21, were severally read a second time.

H. B. No. 20. An act to amend an act entitled, 'an act to locate a territorial road from Steilacoom to Seattle.

Was read a third time and passed, and its title agreed to.

H. B. No. 25—was taken up, and,

The question being put—"Shall the bill pass?"

The ayes and noes were called, and the vote was as follows:

Ayes—Messrs. Bigelow, Huff, Patterson, Poe, Strickler, Terry and Mr. President—7.

Noes—Mr. Miles.

So the bill was passed, and its title approved.

H. B. No. 31. An act to locate the county seat of Whatcom county.  
Was read a third time and passed, and its title agreed to.

On motion of Mr. Miles,

H. B. No. 33—was taken up,

And the question being on the adoption of the report of the committee that the amendment proposed, referred to the committee with the bill, be not adopted,

It was decided in the affirmative.

So the amendment was not adopted

The question then being on the adoption of the amendment of the committee,

It was decided in the affirmative, and the amendment of the committee adopted.

Mr. Bigelow moved to amend by inserting the letter "M." between the word "Thomas" and "Chambers;"

Which was adopted.

On motion of Mr. Poe,

The bill was further amended, by inserting the name of Thomas J. Chambers.

On motion of Mr. Terry,

The bill was further amended by inserting the name of "John Alexander."

The bill was then ordered to a third reading; and,

On motion of Mr. Miles,

100 copies ordered to be printed.

H. B. No. 28, was taken up, amendment of committee on Commerce adopted, and ordered to a third reading.

H. B. No. 30, was taken up; and,

On motion of Mr. Terry,

Laid on table till 20th inst.

H. B. No. 40—was ordered to a third reading.

C. J. M. No. 4—with amendment proposed by the committee on the Judiciary,

Was taken up, amendments adopted; and,

On motion of Mr. Huff,

Was read a third time now.

The question then being on the passage of the memorial,

Mr. Miles called the yeas and nays, and the vote was as follows:

**Yea.**—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry, Yantis and Mr. President.

So the memorial passed unanimously, and at the request of Mr. Huff, there being no objection, the Chair ordered the Clerk to report the memorial to the House to-day.

On motion of Mr. Terry,

Council adjourned.

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**MONDAY, January 15th, 1855.**

Council met pursuant to adjournment.

All present.

The journals were read and approved.

Mr. Terry, chairman of committee on Roads and Highways, reported back,

H. B. No. 27. An act relative to a territorial road from Pacific City to Narcota Landing, on the Willapa river, and No. 21, relative to a territorial road from Vancouver to Cowlitz Farms;

With amendments.

Mr. Miles, chairman of the select committee, to whom was referred

H. B. No. 8. An act relating to a territorial road from Oak Point Mills to Boisfort Plains;

And,

H. B. No. 9. An act to locate a territorial road from Samuel Woodard's on the Willapa river to intersect at Boisfort Plains the territorial road from Cathlamet to Sidney S. Ford's,

H. B. No. 28. An act amending the act relating to crimes and punishments;

Which was read a third time and passed, and its title agreed to.

H. B. No. 40. An act to locate the county seat of Sawamish county; Was read a third time and passed, and title agreed to.

A message from the House by their Clerk,

MR. PRESIDENT:—I am instructed by the House to inform you of the passage of

C. J. R. No. 5. Relative to the appointment of a joint committee, and the House have appointed Messrs Wallace, Heald and Abernethy, as said committee on the part of the House.

H. B. No. 8—was taken up; and;

Mr. Poe moved to postpone until Thursday next.

Which motion was lost.

The question then being on the adoption of the amendment proposed by the committee on Roads and Highways,

It was decided in the affirmative.

Mr. Poe moved a division of the amendment proposed by the select committee.

Which was ordered; and,

On the first portion of that amendment, viz: "To strike out the name of Pierre Charles," and insert that of "Michael Buchanon,"

The ayes and nays being called for, the vote was as follows:

*Ayes*.—Messrs. Huff, Patterson, Poe, Strickler, Terry and Yantis—6.

*Nays*.—Messrs. Bigelow, Miles and Mr. President—3.

Adopted.

On the second portion of the amendment,

Mr. Yantis called the yeas and nays, and the vote was as follows:

*Ayes*—Messrs. Bigelow, Huff, Miles, Patterson, Strickler and Mr. President—6.

*Noes*—Messrs. Poe, Terry and Yantis—3.

Adopted.

The question then being on the passage of the bill as amended, to a third reading,

The yeas and nays were demanded by Mr. Poe, and the vote was as follows :

**Ayes**—Messrs. Bigelow, Huff, Miles, Patterson, Strickler and Mr. President.—7.

**Nays**.—Messrs. Poe, Terry and Yantis—3.

So the bill was ordered to a third reading.

H. B. No. 9—was taken up, amendments adopted; and, Ordered to a third reading.

H. B's. No. 27 and 21, were taken up, amendments of committee on Roads and Highways adopted severally, and referred to select committee of three.

The Chair announced Messrs. Huff, Bigelow and Strickler, as said committee.

On motion of Mr. Miles,

*Ordered*, That when the Council adjourn, it be till 2 o'clock, P. M., of this day.

Mr. Bigelow in the chair.

On motion of Mr. Catlin,

C. B. No. 13. An act to amend an act entitled an act to create Cowlitz county, and define its boundaries.

Was taken from the table.

Mr. Huff gave notice that at some future day he would introduce a bill to change the name of the county seat of Clarke county.

On motion of Mr. Miles,

Council adjourned.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

Mr. Bigelow moved a call of the House.

The Sergeant-at-Arms being sent for the absent members, returned, and reported all present; when,

On motion of Mr. Bigelow,

The further call of the house was dispensed with.

On motion of Mr. Bigelow,

The Council resolved itself into committee of the whole, to consider C. B. No. 13—an act to amend an act entitled an act to create Cowlitz county, and define its boundaries.

Mr. Terry in the Chair.

After some time spent in committee, the committee rose, and reported the bill back with the following amendment:

To insert after the 4th line, the following "second section line west of the."

Which report was adopted, and the bill ordered to its third reading as amended.

On motion of Mr. Poe,

The Council resolved itself into committee of the whole to consider the Governor's message in relation to the appropriation for the erection of public buildings.

Mr. Yantis in the chair.

After some time spent in committee, the committee rose, and through their chairman reported that the committee recommended the appointment of a select committee by this house to confer with the Governor and get his views more fully on the subject.

Mr. Bigelow moved to amend the report so as to appoint a joint committee of the two Houses.

Mr. Huff moved as an amendment to the amendment—to appoint a joint committee of three from the Council, and five from the House;

Which amendment was adopted, together with the report, and the Chair announced Messrs. Huff, Yantis and Terry, as the committee on the part of the Council.

Mr. Huff gave notice that ten days hence, he would introduce a bill to change the name of Columbia City in Clarke county, to that of Vancouver.

Mr. Miles moved a re-consideration of the vote by which a joint committee were ordered to be appointed to confer with the Governor relative to the appropriation for the erection of public buildings.

Which motion was lost.

On motion of Mr. Miles,

The Council adjourned.

TUESDAY, January 10, 1855.

Council met pursuant to adjournment.

All present.

The journals were read and approved.

Mr. Huff, chairman of the select committee to whom was referred H. B's. No. 21, and 27, reported back No. 21 without amendment, and No. 27 with amendment, and recommended that the proposed amendments referred with H. B. No. 27, be not adopted.

C. B. No. 22—repealing a portion of sec. 89, in the criminal practice act,

Was read a second time; and,

On motion of Mr. Terry,

Was referred to a select committee.

The Chair announced Messrs, Poe, Strickler and Patterson, as said committee.

H. B. No. 8—was read a third time; and,

The question being put—"Shall the bill pass?"

Mr. Yantis called the yeas and nays, and the vote was as follows:

Ayes—Messrs. Bigelow, Huff, Miles, Patterson, Strickler, Terry and Mr. President—7.

Noes—Messrs. Poe and Yantis—2.

So the bill was passed, and its title approved.

H. B. No. 9—was read a third time.

On the question—Shall the bill pass?

The ayes and nays being called for, the vote was as follows:

Ayes.—Messrs. Bigelow, Huff, Miles, Patterson, Strickler, Terry and Mr. President—7.

Nays.—Messrs. Poe and Yantis—2.

So the bill was passed, and its title agreed to.

On motion of Mr. Catlin,

C. B. No. 13. An act to amend an act entitled an act to create Cowlitz county, and define its boundaries.

Was taken from the table.

On motion of Mr. Bigelow,

It was laid over till other business on the table was finished.

C. B's. No. 18 and 21—just returned from the printer—were ordered to a third reading.

C. B. No. 19—just returned from the printer—

On motion of Mr. Yantis,

Was referred to the committee on Indian Affairs.

C. B. No. 20—was taken up; and,

On motion of Mr. Bigelow,

Referred to the committee on Education.

C. J. R. No. 6—was read a third time.

On the question—Shall the resolution pass?

Mr. Miles called the yeas and nays, and the roll being called, the vote was unanimous in the affirmative.

On motion of Mr. Bigelow,

H. B. No. 33—was taken up,

The question being—Shall the bill pass?

It was decided in the affirmative, and the title approved.

H. B. No. 21—reported back from a select committee to-day—was taken up.

The question being—Shall the bill be read a third time?

Mr. Huff moved a call of the house.

The Sergeant-at-Arms being sent for the absent members, returned, and reported the absent members would be in soon.

Mr. Miles moved that the call of the house be dispensed with.

Which motion was lost.

The Sergeant-at-Arms having reported all present, the Chair announced the call of the house suspended.

On the question pending previous to the call,

Mr. Huff called the yeas and nays, and the vote was as follows:

Yea.—Messrs. Bigelow, Huff, Patterson, Strickler and Terry—5.

Noes—Messrs. Miles, Poe, Yantis and Mr. President—4.

So the bill (H. B. No. 21) was ordered to a third reading.

H. B. No. 27—was taken up.

The question being on the first proposed amendment referred to select committee,

The yeas and nays were demanded by Mr. Miles, and the vote was as follows:

Ayes—Messrs. Bigelow, Miles, Yantis and Mr. President—4.

Nays.—Messrs. Huff, Patterson, Poe, Strickler and Terry—5.

So the amendment was lost.

The question being on the second proposed amendment referred to the select committee,

On motion of Mr. Bigelow,

Council adjourned.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

Mr. Poe moved a call of the house.

The Sergeant-at-Arms being sent for the absent members, after a few moments absence, returned with Messrs. Bigelow and Strickler, and the Clerk, and reported Mr. Terry unwell.

On motion of Mr. Bigelow,

The further call of the house was suspended.

On motion of Mr. Bigelow,

Leave of absence was granted to Mr. Miles for fifteen minutes.

Mr. Poe moved to adjourn.

Motion lost,

Mr. Yantis moved a call of the house.

The Chair decided the question out of order.

The question then being on the adoption of the second proposed amendment to H. B. No. 27,

The ayes and noes were called, and the vote was as follows:

Ayes—Messrs. Bigelow and Mr. President—2.

Noes—Messrs. Huff, Patterson, Poe, Strickler and Yantis—5.

So the amendment was not adopted.

The question being on the adoption of the amendment reported by the select committee,

The yeas and noes were called, and the vote was as follows:

*Yea*s.—Messrs. Bigelow, Huff, Patterson, Strickler and Mr. President—5.

*Nays*—Messrs. Poe and Yantis—2.

So the amendment was adopted, and the bill ordered to a third reading.

Mr. Huff moved that no member be allowed to speak more than once, and longer than three minutes on any road bill in this house, and called the yeas and nays on the motion. The vote was as follows.

Ayes—Messrs. Huff and Patterson—2.

Noes—Messrs. Bigelow, Miles, Poe, Strickler, Terry, Yantis and Mr. President—7.

Motion lost.

C. B. No. 13—was then taken up,  
The question being—Shall the bill pass?

Mr. Miles moved a call of the house.

The Sergeant-at-Arms being sent for the absent members, returned in a few minutes, and reporting all present, the Chair announced the House ready to proceed with the business before it.

Mr. Poe moved to adjourn.

Motion lost.

Mr. Huff moved to adjourn.

Motion lost.

On the question before the house, Mr. Miles called for the yeas and nays, and the vote was as follows:

Ayes—Messrs. Bigelow, Huff, Patterson, Yantis and Mr. President—5.

Noes—Messrs. Miles, Poe, Strickler and Terry—4.

So the bill was passed, and its title agreed to.

Mr. Poe, chairman of select committee to whom was referred C. B. No. 22, on leave, reported back the bill, and recommended its indefinite postponement.

Mr. Huff called the yeas and nays on the indefinite postponement of the bill, and the vote was as follows:

Ayes—Messrs. Miles, Patterson, Poe, Strickler and Terry—5.

Noes—Messrs. Bigelow, Huff, Yantis and Mr. President—4.

So the bill was indefinitely postponed.

Mr. Bigelow gave notice that he would, on a future day, introduce a bill to increase the taxes of the territory at least three-fourths.

Leave being granted, Mr. Miles introduced,

C. B. No. 23. An act to authorize John Moore to build a bridge across the Newakum river in Lewis county;

Which was read twice, the rules being suspended.

Mr. Miles moved to amend the bill by inserting the words "by and between" and the words "and the said John Moore."

Mr. Bigelow moved as an amendment to the amendment "to provide that lawyers' fees in the collection of fines for illegal rates of toll be paid by the territory."

Which amendment was lost, and the original amendment adopted.

Mr. Terry moved to adjourn.

Lost.

On motion of Mr. Miles,

C. B. No. 23—was referred to the committee on Judiciary.

On motion of Mr. Patterson,

Council adjourned.

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WEDNESDAY, January, 17, 1855.

Council met pursuant to adjournment. All present.

On motion of Mr. Bigelow,

The Chief Clerk was excused from attendance to-day, and Elwood Evans appointed Clerk *pro tem.*

Journal read and approved..

Mr. Bigelow, from committee on the Judiciary, to whom was referred, C. B. No. 23. An act to authorize John Moore to build a bridge across the Newakum, in Lewis county,

Reported back said bill.

Mr. Yantis, from committee on Indian Affairs, to whom was referred, C. B. No. 19. An act to organize the militia of Washington territory; Reported back said bill with the recommendation that it be referred to committee of the whole.

H. B. No. 27. Relative to a territorial road from Vancouver to Cowlitz Farms;

Was read a third time; and,

Pending the question—Shall the bill pass?

Mr. Yantis moved to lay on the table, and made the order of the day for to-morrow.

On this motion, Mr. Miles called the yeas and nays.

The motion prevailed by the following vote:

Ayes—Messrs. Bigelow, Huff, Patterson, Poe, Strickler, Terry, Yantis and Mr. President—8.

Nayes—Mr. Miles.

H. B. No. 21. An act relative to a territorial road from Pacific City to Narcota Landing, on the Willapa river;

Read a third time; and,

On the question—“Shall the bill pass?”

Mr. Miles demanded the yeas and nays.

Those voting in the affirmative were:

Messrs. Huff, Patterson, Poe, Strickler, Terry and Yantis—6.

In the negative—Messrs. Bigelow, Miles and Mr. President—3.

So the bill passed, and its title was agreed to.

C. B. No. 21. An act to authorize the district courts to change the names of persons;

Was read a third time;

On the final passage of the bill,

Mr. Huff called the ayes and noes and the vote was as follows :

Yea—Messrs. Huff, Patterson, Poe, Strickler, Terry and Yantis—6.

Noes—Messrs. Bigelow, Miles and Mr. President—3.

So the bill passed and its title was agreed to.

Third reading of C. B. No. 18.

An act to amend an act entitled an act establishing a common school system for the territory of Washington.

On its passage, Mr. Terry called for the yeas and nays, which resulted as follows:

Yea—Messrs. Bigelow, Huff, Patterson, Poe, Strickler, Terry and Yantis—7.

Nay—Messrs. Miles and Mr. President.—2.

So the bill passed, and its title was agreed to.

On leave, Mr. Bigelow from committee on Education to whom was referred,

C. B. No. 20. An act to provide for the selection and location of two townships of land to aid in the establishment of a University;  
Reported back said bill with sundry amendments.

On motion of Mr. Yantis,

The bill and amendments were referred to the committee on counties.

The report of the committee on Indian Affairs on C. B. No. 19, being in order, the report of the committee was adopted.

Mr. President requested Mr. Miles to take the Chair.

Mr. Yantis then moved that the Council consider itself in committee of the whole, with the present incumbent of the chair as chairman.

The President *pro tem.* ruled such motion out of order, in accordance with the rules of the Council.

Mr. Poe appealed from the decision, on the ground that the Council had the right to designate the chairman of any committee.

On the question, shall the decision of the Chair be sustained?

The decision was reversed by the following vote:

Yea—Messrs. Patterson and Yantis.

Nay—Messrs. Bigelow, Huff, Poe, Strickler, Terry and Mr. President.

Mr. Catlin moved to re-consider the vote first taken.

Mr. Miles called the yeas and nays.

Council refused to re-consider by the following vote:

Yea—Messrs. Patterson and Yantis—2.

Messrs. Bigelow, Huff, Poe, Strickler, Terry and Mr. President—6.

A message from the House by their Clerk,

MR. PRESIDENT:—I am instructed by the House to inform you of the passage of the following bills:

H. B. No. 17. An act in relation to fences and fence viewers;

H. B. No. 11. An act to amend an act relative to elections, and the mode of supplying vacancies;

H. B. No. 41. An act to locate a territorial road from New Dungeness to intersect the territorial road leading from Olympia to Monticello;

H. B. No. 37. An act to amend an act entitled an act to locate a territorial road from Olympia to Monticello;

H. B. 38. An act authorizing James C. Cochran to establish a ferry across the Chehalis river;

H. B. 43. An act authorizing William Ryan to establish a ferry across the Columbia river;

C. J. M. No. 2.—with amendments, and request the Council to concur therein.

Also,

The passage of C. J. M. No. 5—asking an appropriation for the penitentiary;

Also,

C. J. R—relative to a port of delivery on the island of San Juan;

Also,

The indefinite postponement of C. J. M. No. 3—asking the removal of the military post from Vancouver.

The question recurring on Mr. Yantis' motion,

Mr. Miles called the yeas and nays.

Motion prevailed by the following vote:

Yea—Messrs. Bigelow, Huff, Terry, Yantis and Mr. President—5.

Nays—Messrs. Miles, Patterson, Poe and Strickler—4.

After some time spent in committee of the whole, committee rose, and through their chairman, reported that they had had under consideration C. B. No. 19, and had made some progress therein, and asked leave to sit again.

Report adopted; and,

On motion of Mr. Bigelow,

Council adjourned.

#### AFTERNOON SESSION.

On motion of Mr. Patterson,

The vote of yesterday by which C. B. No. 22—an act to amend an act entitled an act to regulate the practice and pleadings in prosecutions for crimes, was indefinitely postponed, was re-considered.

On motion of Mr. Bigelow,

Council resolved itself into committee of the whole on C. B. No. 19; and after some time spent therein, committee rose, and reported the bill back with following amendments:

In sec. 4, line 2, strike out "two years," and insert "one year."

In sec. 11, after "act" in line 2, insert "without good and sufficient excuse therefor."

In section 12, strike out in lines two and three, "or who shall conduct himself in a disorderly manner;" Strike out in line three, word "ten" and insert "two." Strike out in same line after "dollars" to "company" in 5th line inclusive, and insert "to be assessed by a court martial, and be collected by any constable in the county in which he resides in the same manner as other debts are collected.

Add as sec. 22, "nothing in this act shall be so construed as to prevent companies from electing their own officers, after they have organized."

Report of the committee adopted.

Mr. Miles moved a call of the house.

Carried.

Absent members all coming in,

On motion of Mr. Bigelow,

The further call of the house was suspended.

The amendments of the committee of the whole were adopted.

Mr. Miles moved to amend in sec. 2, line 5, by striking out "eighteen and forty-five" and inserting "fifteen and sixty;"

Carried, and bill as amended, ordered to a third reading.

On motion of Mr. Bigelow,

C. B. No. 22, was taken up;

The question being—Shall the bill be read a third time?

Mr. Terry called the yeas and nays.

Yea—Messrs. Bigelow, Huff, Patterson, Yantis and Mr. President—5.

Nay—Messrs. Miles, Poe, Strickler and Terry—4.

So the bill was ordered to its third reading.

H. B's. No. 11, 17, 38, 41 and 63, were severally read once: and,

Ordered to a second reading.

House amendments to C. J. M. 2—asking an appropriation for military roads, was read.

The question being, will the Council concur in the House amendment?

The Council refused so to do, and the Clerk was ordered to report such non-concurrence to the House.

On leave, Mr. Strickler introduced,

C. B. 24. An act to amend an act entitled an act to provide for the public printing, and the distribution of the laws and journals;

Which was read once;

On motion of Mr. Miles,

The rules were suspended, and the bill read a second time by its title.  
And,

On motion of Mr. Poe,

Was referred to committee on Ways and Means.

On motion of Mr. Yantis,

The Council adjourned.

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THURSDAY, January 18, 1855.

Council met pursuant to adjournment.

In the absence of the Chief Clerk, Elwood Evans acted as Clerk *pro tem.*

The Journal of yesterday read and approved.

Mr. Patterson, from committee on Counties, to whom was referred report of committee on Education on C. B. No. 20—An act to provide for the selection and location of two townships of land to aid in the establishment of a university—containing certain amendments to said bill, reported back the same with a recommendation that it be so amended, and passed.

Mr. Bigelow, chairman of committee on Ways and Means, reported back

C. B. No. 24. An act to provide for the public printing, and the distribution of the laws and journals.

With a report that the majority of committee recommended the passage 2d reading of H. B. No. 11. An act to amend an act entitled an act relative to elections and the mode of supplying vacancies.

Mr. Yantis moved to lay the bill on the table to be printed; lost.

Mr. Bigelow moved to go into committee of the whole.

Mr. Miles moved to amend by adding “with Mr. Yantis in the chair. Which amendment was accepted, and motion as amended carried.

After some time spent in committee, committee rose, reported bill back with a recommendation that it be referred to a select committee of three, with instructions to draft a substitute.

Report adopted, and Messrs. Poe, Yantis and Patterson appointed said committee.

2d reading of H. B. No. 17. An act in relation to fences and fence-viewers.

On motion of Mr. Poe,

Council resolved itself into committee of the whole with Mr. Strickler in the chair.

After some time spent in committee, committee rose, and reported a substitute for H. B. No. 17.

Report adopted.

Substitute for H. B. No. 17. Read a second time; and,

On motion of Mr. Miles,

Bill laid upon the table, and ordered to be printed.

Second reading of

H. B. No. 41. An act to locate a territorial road from New Dungeness to intersect the territorial road leading from Olympia to Monticello;

Mr. Yantis moved to refer the bill to committee on Roads and Highways.

Mr. Bigelow moved to amend by instructing committee to report such amendment as to exempt counties through which road passes from the expense of locating said road,

On this amendment, the yeas and nays were demanded by Mr. Miles, and the vote was as follows:

Ayes—Messrs. Bigelow, Miles, Strickler and Mr. President.—4.

Nays.—Messrs. Huff, Patterson, Poe, Terry and Yantis—5.

So the amendment was lost.

The question recurring on Mr. Yantis' motion, it was lost.

On motion of Mr. Miles,

Bill referred to committee on Ways and Means.

H. B. No. 37. An act to amend an act entitled an act to locate a territorial road from Olympia to Monticello;

Was read a second time; and,

Mr. Miles moved to refer to a select committee of three.

Mr. Bigelow moved to amend, naming Messrs. Huff, Strickler and Terry said committee.

Which amendment being accepted, the motion was carried.

H. B. No. 43—An act authorising William Ryan to establish a ferry across the Columbia river;

Read a second time;

Mr. Terry moved to refer to committee on Ways and Means.  
Lost; and,

On motion of Mr. Huff,

Ordered to a third reading.

H. B. 38. An act authorizing James C. Cochran to establish a ferry across the Chehalis river;

Was read a second time,

Mr. Miles moved to lay on the table to be printed.

Lost; and,

On motion of Mr. Huff,

The bill was ordered to a third reading.

C. B. No. 19. An act to organize the militia of Washington territory;  
Read a third time; and, on its passage,

Mr. Miles called the yeas and nays, and the vote was as follows:

Ayes—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry and Yantis—8.

Noes—Mr. President—1.

So the bill was passed, and its title approved.

C. B. No. 22—repealing a portion of sec. 89, in the criminal practice act,

Read a third time;

The question being—Shall the bill pass?

Mr. Poe called the yeas and nays, and the vote was as follows:

Yea.—Messrs. Bigelow, Huff, Patterson, Yantis and Mr. President—5.

Noes—Messrs. Miles, Poe, Strickler and Terry—4.

So the bill was passed, and its title agreed to.

The report of the committee on Counties on

C. B. No. 20. An act to provide for the selection and location of two townships of land to aid in the establishment of a University;

Was taken up, and adopted.

Mr. Patterson in the chair.

Mr. Catlin moved to amend sec. 1, by adding,

*"Provided,* That Cowlitz county shall be exempt from the operation of this section, and that Nathaniel Ostrander be the commissioner of said county;"

Mr. Poe moved to amend the amendment by striking out "all county superintendents;"

Pending which motion,

Mr. Miles moved to adjourn.

Motion lost.

On Mr. Poe's motion, Mr. Bigelow called the yeas and nays.

The motion was lost by the following vote:

*Ayes*.—Messrs. Poe, Terry and Mr. President—3.

*Nays*.—Messrs. Bigelow, Huff, Miles, Patterson, Strickler and Yantis—6.

The question recurring on Mr. Catlin's amendment, it was adopted.

Mr. Poe moved as an amendment, "and provided further that the county of Whatcom be excepted also, and that R. V. Peabody be the commissioner of said county."

Mr. Miles moved further to amend by adding to said section as amended, "Provided also, that Thompson Newlin, of the county of Lewis, be the commissioner of said county, instead of the county superintendent thereof."

On this amendment, Mr. Huff called the yeas and nays.

The amendment prevailed by the following vote:

*Ayes*.—Messrs. Huff, Miles, Patterson, Poe, Terry and Mr. President—6.

*Nays*.—Messrs. Bigelow and Strickler—2.

Pending the consideration of the bill on 2d reading,

On motion of Mr. Miles,

The Council adjourned.

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FRIDAY, January 19, 1855.

Council met pursuant to adjournment. All present.

Journal read and approved.

Mr. Bigelow, from the committee on Ways and Means, to whom was referred,

H. B. No. 41.—An act to locate a territorial road from New Dungeness in Clalam county, to intersect a territorial road from Olympia to Monticello;

Reported back said bill with the following amendments:

Strike out sections 4 and 5, and insert as sec. 4, "This act shall not be so construed as to allow said commissioners to create any debt, or bring any charge against the counties through which the road passes," and with such amendment recommended its passage.

Mr. Poe, from the select committee to whom was referred

H. B. No. 11. An act to amend an act relative to elections, and the mode of supplying vacancies;

With instructions to draft a substitute, asked to be discharged from reporting a substitute; which being granted, the committee reported the following amendments to the bill:

Strike out after the word "Washington" in the first line of section 1, to the word "and" in the second line in the 4th section, and insert,

"That all white American citizens above the age of twenty-one years, and all other white male inhabitants of this territory, above that age, who shall have declared on oath their intention to become citizens, and to support the constitution of the United States at least six months previous to the day of election, and who shall have resided six months in the territory and twenty days in the county next preceding the day of election, and none others, shall be entitled to hold office, or vote at any election in this territory: *Provided*, That no officer, soldier, seaman or marine in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote at any election in this territory."

Mr. Huff, from select committee to whom was referred

H. B. No. 37.—An act to amend an act to locate a territorial road from Olympia to Monticello;

Reported the same back without amendment.

H. B. No. 38.—An act authorising James C. Cochran to establish a ferry across Chehalis river;

Read a third time; and,

On the question—"Shall the bill pass?"

Mr. Huff demanded the yeas and nays, which were as follows:

Those voting in the affirmative were:

Messrs. Huff, Miles, Patterson, Poe, Strickler, Terry, Yantis and Mr. President—8.

In the negative—Mr. Bigelow.

So the bill passed, and its title was agreed to.

H. B. No. 43. An act authorizing William Ryan to establish a ferry on the Columbia river.

Was read a third time;

On the final passage of the bill,

Mr. Terry called the ayes and noes and the vote was as follows :

Yea—Messrs. Bigelow, Huff, Patterson, Poe, Strickler, Terry and Mr. President—7.

Noes—Messrs. Miles and Yantis—2.

So the bill passed and its title was agreed to.

C. B. No. 20. An act to provide for the selection and location of two townships of land to aid in the establishment of a university;

Came up in order.

On motion of Mr. Miles,

The provisos added as several amendments to first section were so consolidated as to read "Provided that the counties of Lewis, Cowlitz and Whatcom be excepted from the operations of this section, and that Nathaniel Ostrander be the commissioner for Cowlitz county, Thompson Newland for Lewis county, and R. V. Peabody for Whatcom county;"

Amendment adopted, and the bill as amended,

Ordered to a third reading.

C. B. No. 24. An act to amend an act entitled an act to provide for the public printing, and the distribution of the laws and journals, the majority report of the committee on Ways and Means recommending that said bill pass.

Mr. Terry moved to refer to a select committee.

Lost.

Mr. Yantis moved to amend by striking out "two" and inserting "one," and "biennially" and inserting annually," in first section.

On this question Mr. Terry called for the yeas and nays, and the vote was as follows:

Yea—Messrs. Poe, Terry, Yantis and Mr. President.—4.

Nay—Messrs. Bigelow, Huff, Patterson, Strickler, and Miles—5.

Amendment lost, and the bill ordered to a third reading.

Report of the select committee on H. B. No. 37, coming up,

Mr. Miles moved so to amend the bill in section 1, as to include Thurston county;

The yeas and noes were called, and the vote was as follows:

*Yea*s.—Messrs. Miles, Poe, Strickler, Terry and Mr. President.—5.

*Nays*—Messrs. Bigelow, Huff, Patterson, and Yantis—4.

So the amendment was adopted, and the bill ordered to a third reading.

Report of committee on Ways and Means on H. B. No. 41, adopted, and bill as amended, ordered to a third reading

Message from the House by their clerk :

MR. PRESIDENT—I am instructed by the House to report to you the passage of

An act to locate a territorial road from Steilacoom to Vancouver;

An act to prevent stallions from running at large;

An act to amend an act entitled an act to authorize and regulate the erection of wharves;

H. J. R. No. 6.—Requesting the Governor to draw out and expend the appropriation for public buildings;

H. J. R. 7—in relation to apportioning the representation of the legislative assembly;

C. J. M. No. 4—Relative to the rights of the Hudson Bay Company, with amendments;

C. B. No. 4—An act to create the office of county surveyor, with amendments;

H. B. 34—An act to locate the county seat of Lewis county;

And ask the concurrence of the Council therein.

C. B. No. 23. An act to authorize John Moore to build a bridge across the Newakum river in Lewis county;

Being the order of the day for Jan. 18, came up in order, and was ordered to a third reading.

H. B. No. 27. Relative to a territorial road from Vancouver to Cowlitz Farms;

Being the order of the day for Jan. 18, came up, in order, and was,

On motion of Mr. Yantis,

Referred to committee on Roads and Highways.

\* Report of the select committee on H. B. No. 11—report of committee adopted by the following vote—Mr. Yantis calling the yeas and nays:

Ayes—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry, Yantis and Mr. President—9.

Noes—None.

Mr. Miles moved that the bill be referred to a select committee, with instructions to report to-morrow an amendment changing the ballot system of voting to the viva voce.

On this motion, Mr. Miles called for the yeas and nays, which resulted as follows:

Yea—Messrs. Miles, Patterson and Strickler—3.

Nay—Messrs. Bigelow, Huff, Poe, Terry, Yantis and Mr. President—6.

Mr. Miles moved that the bill be ordered to its third reading, and called the yeas and nays.

Motion carried by the following vote:

Ayes—Messrs. Bigelow, Miles, Patterson, Poe, Terry, Strickler, Huff, Yantis and Mr. President—9.

Noes—None.

On motion of Mr. Huff,

The rules were suspended, and the bill read a third time.

On the final passage of the bill,

Mr. Huff called the ayes and noes and the vote was as follows:

Yea—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry, Yantis and Mr. President—9.

Noes—None.

So the bill passed and its title was agreed to.

On motion of Mr. Huff,

Council adjourned.

#### AFTERNOON SESSION.

H. B. No. 47. An act to amend an act entitled an act to locate a territorial road from Steilacoom to Vancouver;

Read a first time; and,

Ordered to a second reading.

H. B. 39. An act to prevent stallions from running at large;

Read a first time.

Mr. Poe moved to suspend rules to read a second time.

Mr. Miles objected, and the President decided that by rule 45, a rule could not be suspended if objected to by any member.

Mr. Poe then gave notice that he would move to amend rule 45, as to allow a two thirds vote to suspend any rule.

The bill was then ordered to a second reading.

Mr. Miles moved to suspend rules and read bill a second time.

Carried; and,

On motion of Mr. Poe,

Council resolved itself into committee of the whole with Mr. Huff in the chair.

After some time spent therein, committee rose, and reported the bill back with following amendments:

"Where "stallion or rigalin" occurs, or the word "horse" read "stud-horse, jackass or rigalin" except in sections five and seven where read 'stud horse' and add the following section: If any person shall exhibit or show by riding or leading any stud horse, jackass or rigalin, or use him in covering within view or hearing of any place of public worship during the time an assemblage of persons are engaged in such worship, he shall be fined in any sum not less than one dollar, and not more than twenty-five dollars;"

Report adopted; and,

On motion of Mr. Huff,

Bill as amended laid on table till to-morrow.

H. B. No. 46. An act to amend an act entitled an act to authorize and regulate the erection of wharves;

Read a first time.

Also,

H. J. R. No. 6—Relative to requiring the Governor to draw out and expend the appropriation for public building;

H. B. No. 34. An act to locate the county seat of Lewis county;

Read a first time; and,

Ordered to a second reading.

House amendment to

C. J. M. 4—Relative to the claims of the Puget Sound Agricultural Companies.

The question being—will the Council concur in the House amendments?

Mr. Terry called the yeas and nays, and the vote was as follows:

• Yeas.—Messrs. Bigelow, Huff, Patterson, Poe, Strickler, Terry, Yantis and Mr. President—8.

Mr. Miles not voting.

The question being on the passage of the memorial as amended,

Mr. Terry called the yeas and nays.

Yea—Messrs. Bigelow, Huff, Patterson, Poe, Strickler, Terry, Yantis and Mr. President—8.

Mr. Miles excused from voting.

H. J. R. No. 7—Relative to the apportioning of the legislative assembly;

Read a first and second time under suspension of rules.

On motion of Mr. Bigelow,

Referred to committee on Counties.

House amendment to

C. B. No. 4. An act to create and establish the office of county surveyor;

Read once; and,

The question being—will the Council concur? It was carried,

On the question—"Shall the bill pass?"

Mr. Huff demanded the yeas and nays, which were as follows:

Yea—Messrs. Huff, Patterson, Poe, Strickler, Terry and Yantis—6.

Nay—Messrs. Bigelow, Miles and Mr. President—3.

So the bill was passed, and its title agreed to.

On leave, Mr. Huff introduced,

C. B. No. 25. An act to amend an act to define the northern boundary of Clark county;

Read a first time; and,

Ordered to a second reading.

On motion of Mr. Huff,

The Council adjourned.

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SATURDAY, Jan. 20, 1855.

Council met pursuant to adjournment.

In the absence of the Chief Clerk, Elwood Evans acted as Clerk *pro tem.*

The Journal of yesterday read and approved.

Mr. Patterson, from committee on Counties, to whom was referred H. J. R. No. 7—Relative to the apportionment of the legislative assembly, reported back said resolution with an amendment, striking out all between the word "according," "and" by inserting "to the present election law, of the right of suffrage of qualified voters as determined."

Mr. Bigelow from the select committee to whom was referred the subject of revising the fee bill, reported by bill,

C. B. No. 26. An act to amend an act regulating fees and costs.

C. B. No. 25. An act to amend an act defining the northern boundary of Clarke county;

Was read a second time; and,

On motion of Mr. Terry,

Referred to committee on Counties.

H. B. No. 34,

An act to locate the county seat of Lewis county,

Was read a second time, and

On motion of Mr. Strickler,

Referred to committee on Counties.

H. J. R. 6—Relative to the Governor drawing and expending the appropriation for public building;

Read a second time; and

Ordered to a third reading.

H. B. No. 46. An act to amend an act providing for the erection of wharves;

Was read a second time,

On motion of Mr. Yantis,

Referred to committee on Corporations.

Second reading of H. B. No. 41.

Mr. Huff moved to refer to committee on Roads and Highways.

Mr. Bigelow moved to amend by instructing committee to amend bill by protecting counties through which the road passed from the expenses of the road;

Lost; and motion of Mr. Huff carried.

Third reading of

C. B. No. 20. An act to provide for the selection and location of two townships of land to aid in the establishment of a university;

On the question—Shall the bill pass?

The ayes and nays being called for by Mr. Huff, the vote was as follows:

*Ayes.*—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry, Yantis and Mr. President—9.

*Nays.*—None.

So the bill passed, and its title was agreed to.

C. B. No. 23. An act to authorize John Moore to build a bridge across the Newakum, in Lewis county,

Was read a third time and passed, and its title agreed to.

C. B. No. 24. An act to provide for the public printing, and the distribution of the laws and journals.

Was read a third time;

The question being—Shall the bill pass?

Mr. Yantis called the yeas and nays.

*Ayes*—Messrs. Bigelow, Huff, Miles, Patterson and Strickler—5.

*Noes*—Messrs. Poe, Terry, Yantis and Mr. President—4.

The question then being on the title of the bill it was not agreed to.

On a division being called, there were four voting affirmatively, and four negatively.

The Chair announced that, as the title of the bill was lost, the bill was lost.

Mr. Strickler appealed.

On the question, shall the decision of the Chair be sustained?

The decision was affirmed by the following vote:

Mr. Poe calling the yeas and nays.

*Yea*s—Messrs. Bigelow, Huff, Patterson, Poe, Terry and Yantis.—7.

*Nay*s—Mr. Strickler.

H. B. No. 37—came up iff order for third reading.

Mr. Terry moved that the vote by which said bill was ordered to a third reading, be re-considered. Carried.

Mr. Poe moved to re-consider the vote by which the 1st section was amended. Carried.

• The question then being on the amendment adding Thurston county in section 1st, the amendment was lost.

The bill was then ordered to a third reading.

H. B. No. 41—An act to locate a territorial road from New Dungeness in Clalam county, to intersect a territorial road from Olympia to Monticello;

Read a third time; and,

The question being—Shall the bill pass?

Mr. Terry called the yeas and nays, and the vote was as follows:

Ayes—Messrs. Bigelow, Huff, Miles, Patterson and Strickler—5.

Nays.—Messrs. Poe, Terry, Yantis and Mr. President.—4.

The question then being on the title—the title was disagreed to, and the Chair announced the bill lost, as it had no title.

H. B. No. 39—an act to prevent stallions from running at large, came up in order, continued on second reading.

Mr. Huff moved to amend by striking out “ass” wherever it occurs; Lost.

Bill ordered to third reading.

H. B. No. 30,

An act to amend an act, entitled, an act to organize the county of Pierce, passed the Legislature of Oregon, December 22d, 1852,

Being the order of the day,

The question being—Shall the bill be read a third time?

Council refused to order the bill to a third reading.

H. B. No. 17. An act in relation to fences and fence viewers; Was read a second time, and ordered to a third reading.

Mr. Bigelow moved the re-consideration of the vote by which Council refused to order H. B. No. 30 to a third reading. Carried.

The question being put—“Shall the bill be read a third time?”

Mr. Strickler called the yeas and nays.

Yea—Messrs. Bigelow, Huff, Miles, Patterson, Strickler and Mr. President—6.

Nays—Messrs. Poe, Terry and Yantis—3.

So the bill was read a third time.

Mr. Poe, in accordance with notice given yesterday, introduced the following:

RULE—That hereafter the rules can be suspended by a vote of two thirds, and rule 45 is so amended, as to make it read “that a majority of two-thirds may suspend it” instead of as it now reads, “if no objection is made.”

Rule adopted.

Mr. Strickler moved a suspension of the rules to read H. B. No. 30, a third time.

On the passage of the bill Mr. Strickler called for the yeas and nays, and the vote was as follows:

Ayes—Messrs. Huff, Patterson, Strickler and Mr. President—4.

Noes—Messrs. Bigelow, Miles, Poe, Terry and Yantis—5.

So the bill was lost.

Message from the House by their Clerk:

MR. PRESIDENT:—I am instructed by the House to inform you of the passage of the

H. B. No. 16. A act to amend an act, entitled, an act to provide for constructing and maintaining roads,

H. B. 26. An act to prevent the sale of intoxicating liquors to Indians,

H. J. M. relative to town sites.

And request the concurrence of the Council therein,

Also,

That the House concurs in Council amendment to H. B. 33.

House adheres to amendment to C. J. M. No. 2.

House concurs in Council amendment to H. B. 28;

House concurs in 2 last amendments, and non-concurs in 1st amendment to H. B. No. 9.

House concurs in 1st and 3d Council amendments, and non-concurs in 2d amendment to H. B. No. 8.

House concurs in Council amendment to H. B. No. 21.

House concurs in Council amendments to H. B. No. 20.

H. B. No. 16. An act to amend an act entitled, an act relating to constructing and maintaining roads;

Read a first time.

Mr. Yantis moved to suspend rules to read a second time now.

Carried.

Bill read a second time by title; and,

On motion of Mr. Yantis,

Referred to committee on Roads and Highways.

On motion of Mr. Terry,

The Council adjourned.

#### AFTERNOON SESSION.

Report of committee on Counties on H. J. R. No. 7—coming up in order, omitted this morning, was taken up, and,

On motion of Mr. Miles,

Laid on table till Monday next.

C. B. No. 26, reported by select committee to whom was referred the subject of revising the fee bill.

Read a first time, and ordered to a second reading.

C. B. No. 26. An act to prevent the sale of intoxicating liquor to Indians.

Read a first time and ordered to a second reading.

C. J. M. No. 2. The House adhered to its amendment.

The President decided that under rule 10 of the Joint rules, the memorial was lost.

H. B. No. 9—House concurred in all amendments of Council but one.

The question being—will the Council adhere to that?

The motion was lost, and the bill passed,

Mr. Huff called the yeas and nays, and the vote was as follows:

**Ayes**—Messrs. Bigelow, Huff, Patterson, Strickler and Yantis—5.

**Nays**—Messrs. Miles, Poe, Terry and Mr. President—4.

So the bill was passed, and its title agreed to.

H. B. No. 8—House concurred in Council amendments except one.

The question being—will the Council adhere to their amendment?

Mr. Yantis called the ayes and noes and the vote was as follows :

**Yeas**—Messrs. Bigelow, Miles, Strickler and Mr. President—4.

**Nays**—Messrs. Huff, Patterson, Poe, Terry and Yantis—5.

The question being on the passage of the bill as amended,

Mr. Huff called the yeas and nays.

**Yeas**—Messrs. Huff, Patterson, Poe, Terry and Yantis—5.

**Noes**—Messrs. Bigelow, Miles, Strickler and Mr. President—4.

So the bill was passed, and its title approved.

On motion of Mr. Miles,

The rules were suspended to take up

H. B. 39. An act to prevent stallions from running at large;

Read a third time;

On the question—Shall the bill pass?

The ayes and nays being called for by Mr. Poe, the vote was as follows:

Ayes—Messrs. Bigelow, Miles, Patterson, Poe, Terry, Strickler, Huff, Yantis and Mr. President—9.

Noes—None.

The question then being on the title of the bill,

Mr. Poe moved to amend by striking out "Stallions" and inserting "studhorses, jackasses and rigalins."

Mr. Miles moved to amend the amendment by striking out "at" and inserting "it."

Lost.

The question recurring on Mr. Poe's amendment, Mr. Terry called the yeas and nays,

Yea.—Messrs. Bigelow, Miles, Patterson, Poe, Strickler, Terry, Yantis and Mr. President.—8.

Nays—Mr. Huff.

So the bill was passed, and its title as amended, agreed to.

On leave, Mr. Huff introduced the following,

C. J. R. No. 7.

*Resolved by the House, the Council concurring, That the legislative assembly of Washington territory do adjourn *sine die* on the 29th day January instant.*

On leave, Mr. Strickler, from committee on Printing, introduced,

C. B. No. 26. An act to provide for the public printing, and the distribution of the laws and journals.

Mr. Poe, of same committee, gave notice that he was one of that committee, and had not been consulted, did not approve the report, and asked leave to make a minority report.

Mr. Catlin moved to lay report on table till Monday next.

Mr. Catlin on leave, introduced a bill,

C. B. No. 27. An act to legalize the assessment of Cowlitz county.  
Read a first time.

On motion of Mr. Yantis,

The Council adjourned.

MONDAY, January 22, 1855.

Council met pursuant to adjournment.

All present.

The journals were read and approved.

Mr. Bigelow, chairman of committee on Corporations, reported back, H. B. No. 46. An act to amend an act entitled an act to authorize and regulate the erection of wharves;

Without amendment.

Mr. Patterson, chairman of committee on Counties, reported back C. B. No. 25. An act to amend an act to define the northern boundary of Clark county;

Without amendment.

C. B. No. 28—was read a second time; and,

On motion of Mr. Poe,

Referred to committee on Counties.

H. M. No. 2—was read a second time; and,

On motion of Mr. Strickler,

Referred to committee on Memorials.

H. B. 26. An act to prevent the sale of intoxicating liquors to Indians,

Read a first time; and,

On motion of Mr. Terry,

Referred to committee on Indian Affairs.

C. B. No. 26. An act to amend an act regulating fees and costs.

Was read a second time,

Mr. Bigelow moved to amend by inserting three additional sections to the body of the bill, and two to the miscellaneous provisions.

On motion of Mr. Poe,

The amendments were adopted, and the bill laid on the table and ordered to be printed.

H. J. R. No. 6—Relative to requiring the Governor to draw out and expend the appropriation for public building;

Was read a third time;

On the question—Shall the resolution pass?

Mr. Poe demanded the yeas and nays, which were as follows:

Yea—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry Yantis and Mr. President.—9.

So the resolution was passed unanimously.

H. B. No. 37—An act to amend an act to locate a territorial road from Olympia to Monticello;

Was read a third time; and,

The question being—Shall the bill pass?

Mr. Huff called the yeas and nays, and the vote was as follows:

Ayes—Messrs. Bigelow, Huff, Patterson, Strickler, Yantis and Mr. President.—6.

Nays.—Messrs. Poe, Terry and Miles—3.

So the bill passed and its title was agreed to.

H. B. No. 17. An act in relation to fences and fence viewers;

Was read a third time; and,

Pending the question—Shall the bill pass?

Mr. Terry called the yeas and nays, and the vote was as follows:

Yea—Messrs. Bigelow, Huff, Terry, Miles, Patterson, Strickler, Yantis and Mr. President—8.

Nays—Mr. Poe.

So the bill passed, and its title was agreed to.

C. B. No. 25, and H. B. No. 46—reported back by committee to-day, Were severally ordered to a third reading.

Orders of the day:

C. B. No. 15—was ordered to a second reading.

H. J. R. No. 7—was taken up, and,

Amendments adopted.

Mr. Huff moved to refer the resolution to the committee on Education.

Mr. Bigelow moved as an amendment to refer to the committee on Counties;

Which amendment was lost.

Mr. Yantis moved to amend by instructing the committee to report this afternoon.

Which amendment, with the original motion, was adopted, and the resolution so referred.

C. B. No. 27—reported by the committee on Printing, on Saturday, and laid over until to-day, was decided by the Chair to be out of order on the ground of its being the same as a bill which was defeated on that day.

On leave, Mr. Yantis introduced,

C. B. No. 29—An act to amend an act relating to the support of the poor.

Read a first time.

Ordered to a second reading.

On leave, Mr. Miles introduced,

C. B. No. 30. An act in relation to sureties;

Which was read a first and second time under suspension of rules.

On motion of Mr. Miles,

Referred to committee on Judiciary.

On leave, Mr. Yantis introduced,

C. B. No. 31. An act to provide for the publication of the laws of the second session of the legislative assembly;

Read a first time; and,

Ordered to a second reading.

C. J. R. No. 7—relative to adjournment *sine die*,

Was read once, and ordered to a second reading.

On motion of Mr. Yantis,

The Council adjourned.

#### AFTERNOON SESSION.

Mr. Yantis, from the select committee, who were instructed to revise and correct the revenue law, reported,

C. B. No. 32—An act to amend an act entitled an act to provide for assessing and collecting county and territorial revenue;

Read a first time; and,

Ordered to a second reading.

Mr. Yantis moved that the rules be suspended, and the bill read a third time.

Which motion was lost.

On motion of Mr. Yantis,

The vote by which H. B. No. 30, was lost, was reconsidered by the following vote, Mr. Terry calling the yeas and nays:

Yea—Messrs. Huff, Patterson, Strickler, Yantis and Mr. President—5.

Noes—Messrs. Bigelow, Miles, Poe and Terry—4.

The question being—Shall the bill pass?

Mr. Huff moved to postpone till Wednesday next;  
Which motion was lost.

On motion of Mr. Strickler,

The bill was laid on the table until Thursday next.

Mr. Bigelow, chairman of committee on Judiciary, reported back, C. B. 30; and recommended that it be referred to committee of the whole.

On motion of Mr. Bigelow,

Council resolved itself into committee of the whole to consider C. B. No. 30,

Mr. Terry in the chair.

After some time spent in committee of the whole, committee rose, and reported through their chairman an amendment to the bill, C. B. No. 30, and recommended its passage; and,

On motion of Mr. Huff,

The bill, with amendments, was referred to the committee on Judiciary.

On motion of Mr. Poe,

Council adjourned.

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TUESDAY, January 23, 1855.

Council met pursuant to adjournment.

All present.

The Journal of yesterday read and approved.

Mr. Bigelow, chairman of the committee on Judiciary, reported back,

C. B. No. 30. An act in relation to sureties,  
With a substitute therefor, and recommended its adoption.

Mr. Poe, chairman of committee on Memorials, reported back H. J.  
M. No. 2, without amendment, and recommended its passage.

Mr. Yantis, chairman of committee on Indian Affairs, reported back  
H. B. 26—An act to prevent the sale of intoxicating liquors to Indians;

With an amendment, and recommended its adoption.

Mr. Bigelow, chairman of committee on Education, reported back H.  
J. R. No. 7—with an amendment.

C. B. No. 15. An act to amend an act to provide for assessing and  
collecting county revenue.

Was read a second time, and

On motion of Mr. Poe,

The bill was amended by striking out the words, "upon the Sabbath  
day" wherever they occur, and inserting in lieu thereof "on Sunday."

On motion of Mr. Miles,

The rules were suspended to read the bill a third time.

The bill was read a third time and passed, and its title agreed to.

C. B. No. 29—was read a second time; and,

On motion of Mr. Yantis,

Was referred to committee on Judiciary.

C. B. 34—An act to provide for the publication of the laws of the  
second session of the legislative assembly;

Read a second time; and

On motion of Mr. Terry,

Referred to committee on Printing.

On motion of Mr. Bigelow,

*Ordered*, That the rules be suspended, and the bills on the Clerk's table  
reported to the House to-day.

C. B. No. 32. An act to amend an act to provide for assessing and col-  
lecting county and territorial revenue;

Read a second time, and laid on the table to be printed.

C. B. No. 35—An act to amend an act fixing the northern boundary  
of Clarke county;

Was read a third time, passed and its title agreed to.

H. J. R. No. 7—Relative to the apportioning of the legislative assem-  
bly;

Was read a second time; and,

On motion of Mr. Bigelow,

Laid on table till Friday next.

H. B. No. 46. An act to amend an act providing for the erection of wharves;

Was read a third time, passed, and its title agreed to.

H. J. R. 7—In relation to apportioning the representation of the legislative assembly;

Reported back from committee on Education to-day with amendments, was taken up;

Amendment adopted, and,

On motion of Mr. Miles,

The rules were suspended, and the resolution read a third time and passed.

On motion of Mr. Bigelow,

The rules were suspended, and the bill passed to-day, ordered to be reported to the other house.

Message from the House by their Clerk:

MR. PRESIDENT:—I am instructed by the House to inform you of the passage of the

C. B. No. 12. An act appointing officers for the county of Walla-walla, with amendments;

Also,

C. J. R. No.—relative to the election of territorial officers;

And ask the concurrence of the Council therein;

Also,

That the House has indefinitely postponed

C. B. 17—An act to provide a block for the Washington Monument;

H. B. No. 41. An act to locate a territorial road from New Dungeness to intersect the territorial road leading from Olympia to Monticello;

Was read a second time; and,

On motion of Mr. Miles,

Laid on table till to-morrow.

On motion of Mr. Terry,

Council adjourned.

WEDNESDAY, January 24, 1855.

Council met pursuant to adjournment.

Messrs. Miles and Strickler absent.

The Journal of yesterday read and approved.

Mr. Bigelow, chairman of the committee on Judiciary, reported back,  
C. B. No. 29—An act to amend an act relating to the support of the  
poor.

Without amendment, and recommended its passage.

Mr. Terry, chairman of committee on Roads and Highways, reported  
back

H. B. No. 16. A act to amend an act, entitled, an act to provide for  
constructing and maintaining roads,

Without amendment, and recommended its passage.

Mr. Patterson, chairman of the committee on Counties, reported back,  
H. B. No. 34—An act to change the county seat of Lewis county;

Without agreement, and were relieved from further consideration of the  
bill.

C. B. No. 25. An act to legalize the assessment of Cowlitz county;  
Reported back with amendments by committee on Counties, yesterday,  
was taken up, amendments adopted, and bill ordered to a third reading.

The substitute for C. B. No. 30, An act in relation to sureties; re-  
ported yesterday by the committee on Judiciary, came up in order, and  
Council refused to adopt the substitute, or order the bill to be read a third  
time.

H. J. M. No. 2—Relative to titles to town sites;  
Reported back by committee on Memorials on yesterday,  
Was read a third time under a suspension of the rules.

On motion of Mr. Yantis,

The vote just taken was re-considered in order to permit Mr. Strickler  
to offer an amendment.

Mr. Strickler moved to amend the memorial by striking out the last  
clause, and inserting an amendment in lieu thereof;

Which was read.

Mr. Patterson moved an amendment to the amendment, which was  
adopted with the amendment, and the memorial ordered to a third reading  
as amended.

On motion of Mr. Strickler,

The rules were suspended, and the memorial read a third time now.

On the question—"Shall the memorial pass?"

Mr. Poe called the yeas and nays, and the vote was as follows:

*Yea*s.—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry and Yantis—8.

*Nay*s—Mr. President.

So the memorial was passed.

C. B. 6. An act to prevent the sale of intoxicating liquors to Indians,

Reported back yesterday by the committee on Indian Affairs, with an amendment, was taken up and amendment adopted.

On motion of Mr. Poe,

The bill was further amended by inserting the word "Indians" after "persons."

On motion of Mr. Miles,

The bill was then referred to committee on Judiciary.

H. B. 38. An act to amend an act relating to the support of the poor; Reported back by committee on Judiciary without amendment,

Was ordered to a third reading.

H. B. No. 34. An act to change the county seat of Lewis county; Was taken up.

On motion of Mr. Poe,

Council resolved itself into committee of the whole to consider H. B. No. 34,

Mr. Patterson in the chair.

After some time spent in committee of the whole, committee rose, and reported the bill back without amendment.

The question being put—"Shall the bill be read a third time?"

Mr. Bigelow called the yeas and nays, and the vote was as follows:

*Ayes*—Messrs. Bigelow, Huff, Patterson, Strickler and Mr. President—5.

*Nay*s—Messrs. Poe, Terry and Yantis—3.

On motion of Mr. Huff,

The rules were suspended, and the bill read a third time.

Pending the question—Shall the bill pass?

Mr. Terry called the yeas and nays, and the vote was as follows:

Yea—Messrs. Bigelow, Huff, Patterson, Strickler and Mr. President—5.

Nay—Messrs. Poe, Terry and Yantis—3.

So the bill was passed, and its title agreed to.

H. B. No. 16—An act to amend an act relating to constructing and maintaining of roads;

Reported back by committee on Roads and Highways, without amendment,

Was ordered to a third reading.

C. B. No. 12. An act appointing officers for the county of Walla-walla;

Reported from the House with amendments, was taken up, amendments concurred in, and bill passed and its title agreed to.

H. J. R. No.—relative to the election of territorial officers;

Read a first time; and,

Ordered to a second reading.

Leave being granted, Mr. Strickler, chairman of committee on Printing, reported back

C. B. 31—An act to provide for the publication of the laws of the second session of the legislative assembly;

And recommended that it be indefinitely postponed.

On motion of Mr. Miles,

The bill was indefinitely postponed.

On leave, Mr. Poe presented the petition of D. F. Brownfield and others, praying that congress be memorialized to grant an appropriation to open a military road from New Dunginess to Olympia.

On leave, Mr. Poe introduced

C. J. R. No. 8—Instructing our delegate in congress to procure an appropriation of \$50.000 for a military road from Olympia to New Dungi-ness.

Read a second time; and

Referred to committee on Memorials.

On leave, Mr. Huff, according to notice given ten days since, introduced

C. B. No. 33. An act to change the name of the county seat of Clarke county;

Which was read three times under a suspension of the rules, and its title agreed to.

On motion of Mr. Yantis,

The Council adjourned.

AFTERNOON SESSION.

On leave, Mr. Bigelow, chairman of committee on Judiciary, reported, H. B. 26—An act to prevent the sale of intoxicating liquors to Indians;

With an amendment.

Which was adopted, and the bill ordered to a third reading.

H. B. No. 41. An act to locate a territorial road from New Dungeness to intersect the road from Olympia to Monticello, .

Reported back from committee on Roads and Highways, was taken up; and,

Mr. Bigelow moved to refer the bill to the same committee, with instructions to report it back so amended that the road shall be no expense to the several counties through which it runs.

Pending this motion, Mr. Poe moved a call of the house.

The Sergeant-at-arms and Door Keeper absent. After a few moments, Mr. Terry appeared and took his seat; when,

On motion of Mr. Huff,

The further call of the house was dispensed with.

On motion of Mr. Huff,

The bill (H. B. No. 41) was laid on the table till to-morrow.

Message from the House by their Clerk:

MR. PRESIDENT:—I am instructed by the House to inform you of the passage of the

C. B. No. 22. An act regulating the practice and pleadings in prosecutions for crimes.

H. J. R.—Relative to the reduction of the military reserve at Vancouver;

In the last of which the Council is requested to concur.

Also,

That the House non-concurs in Council amendment to H. B. No. 39.

H. B. 39. An act to prevent stallions from running at large;  
Returned from the House with their non-concurrence in the Council  
amendment;

The question being—will the Council recede from their amendment?

Was decided in the negative.

On motion of Mr. Yantis,

*Ordered*, That a committee of two be appointed to confer with a like committee on the part of the House in regard to H. B. No. 39, and amendments.

The Chair appointed Messrs. Poe and Yantis said committee on the part of the Council.

H. J. R. No. 8—Relative to election of territorial officers;  
Read a first time.

Ordered to a second reading.

Message from the House by their clerk :

MR. PRESIDENT—I am instructed to report that the House non-concurs in Council amendment to

H. J. R. No. 7—Relative to the apportioning of the legislative assembly;

On motion of Mr. Bigelow,

Council resolved itself into committee of the whole to consider C. B. No. 26. An act to amend an act regulating fees and costs.

Mr. Miles in the chair.

After some time spent in committee of the whole, committee rose, and reported the bill back with amendments, and asked to be relieved from the further consideration of the bill.

Council refused to release the committee,

Mr. Terry in the chair.

After further time spent in committee, the committee rose, and reported the bill with other amendments, which were adopted.

Mr. Yantis moved to refer the bill as amended, to a select committee, composed of Messrs. Miles, Poe and Huff.

Which motion was lost.

On motion of Mr. Huff,

*Ordered*. That the bill be referred to a select committee of three. The Chair appointed Messrs. Huff, Strickler and Terry said committee. C. B. No. 32. An act to amend an act to provide for assessing and collecting county and territorial revenue;

Was referred to committee on Ways and Means.

H. J. R. 7—In relation to apportioning the representation of the legislative assembly;

Reported from the House with their non-concurrence in Council amendment,

The question being—will the Council recede from their amendment?

It was decided in the affirmative.

So the Council refused to pass the resolution.

On motion of Mr. Miles,

*Ordered*, That a committee of three be appointed to draft and present a bill apportioning the representation of the territory.

The Chair announced Messrs. Miles, Yantis and Strickler, as said committee.

On motion of Mr. Yantis,

Council adjourned.

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THURSDAY, January 25, 1855.

Council met pursuant to adjournment.

All present but Mr. Miles.

The journals were read and approved.

Mr. Bigelow, chairman of committee on Ways and Means, reported back,

C. B. No. 32—An act to amend an act entitled an act to provide for assessing and collecting county and territorial revenue;

With an amendment.

Mr. Terry, chairman of the committee on Roads and Highways, reported back

H. B. No. 27. An act relating to a territorial road from Vancouver to Cowlitz Farms;

With an amendment.

Mr. Poe, chairman of committee on Memorials, reported back

C. J. R. No. 8—Asking appropriations for military roads,

With an amendment.

Mr. Miles appeared and took his seat.

H. J. R. No. 8—Asking congress to reduce the military reserve at Vancouver;

Was read a second time; and,

On motion of Mr. Miles,

The rules were suspended, and the resolution read a third time.

On the question—Shall the resolution pass?

Mr. Miles demanded the yeas and nays, which were as follows:

Yea—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry Yantis and Mr. President.—9.

So the resolution was passed unanimously.

H. J. R. No. 9—Relative to the election of territorial officers;

Was read a second time, and

On motion of Mr. Yantis,

The rules were suspended, and the resolution read a third time now and passed.

C. B. No. 28. An act to legalize the assessment of Cowlitz county.

Was read a third time, passed, and its title agreed to.

C. B. No. 29. An act to amend an act relating to the support of the poor;

Was read a third time, passed and its title agreed to.

H. B. No. 16. An act to amend an act relative to constructing and maintaining roads;

Coming up for third reading,

On motion of Mr. Bigelow,

The vote by which the bill was ordered to its third reading, was re-considered, and the bill referred to the committee on Roads and Highways.

H. B. No. 26. An act to prevent the sale of intoxicating liquors to Indians;

Was read a third time, passed, and its title agreed to.

C. J. M. No. 8—Asking for an appropriation for military roads,

Reported back with an amendment by committee on Memorials, was taken up, amendment adopted; and,

On motion of Mr. Miles,

The rules were suspended, the resolution read a third time, and passed unanimously by the following vote.

Mr. Miles called the yeas and nays:

Ayes.—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry, Yantis and Mr. President—9.

Nays.—None.

A message from the House by their Clerk:

Mr. PRESIDENT:—I am instructed by the House to report to you the passage of

H. M. No. 4—Relative to post routes in Washington territory; and,

C. B. No. 18—with amendments, and ask the concurrence of the Council therein.

C. B. No. 32—An act to provide for assessing and collecting territorial revenue;

Reported back by committee on Ways and Means, with amendments,

On the adoption of this amendment, Mr. Bigelow called the yeas and nays, and the vote was as follows:

Ayes—Messrs. Bigelow and Yantis—2.

Noes—Messrs. Huff, Poe, Terry, Miles, Patterson, Strickler, and Mr. President—7.

So the amendment was not adopted, and the bill was ordered to a third reading by the following vote:

Mr. Terry called the yeas and nays.

Ayes—Messrs. Bigelow, Miles, Patterson, Poe, Terry, Strickler, Huff, Yantis and Mr. President—9.

Noes—None.

On motion of Mr. Yantis,

The rules be suspended, and the bill read a third time.

The question being—Shall the bill pass?

Mr. Yantis moved a re-consideration of the vote by which the bill was ordered to a third reading, that it might be again referred.

Which motion was carried; and,

On motion of Mr. Yantis,

The bill was referred to a select committee composed of Messrs. Poe, Bigelow and Terry.

H. B. No. 27.—reported back from committee on Roads and Highways with a recommendation that a former amendment be stricken off.

The Chair decided it to be out of order to consider the report without a re-consideration of the vote by which the amendment was adopted.

On motion of Mr. Huff,

The vote was re-considered, the former amendment to the bill stricken out, and the bill ordered to be read a third time by its title.

The question being—Shall the bill pass?

Mr. President called for the yeas and nays, which were as follows:

Yea—Messrs. Bigelow, Huff, Miles, Patterson, Strickler, Terry and Yantis—7.

Nays—Messrs. Poe and Mr. President—2.

So the bill passed and its title was agreed to.

On motion of Mr. Huff,

*Ordered*, That the rules be suspended, and the bills on the Clerk's table reported to the House to-day.

H. B. No. 41. An act to amend an act entitled an act to locate a territorial road from Steilacoom to Vancouver;

Being the order of the day, and the question being upon the indefinite postponement, and shall the bill be read a third time,

Mr. Huff called the yeas and nays, and the vote was as follows:

Yea—Messrs. Bigelow, Huff, Miles, Patterson, Strickler, Terry, Yantis and Mr. President—8.

Noes—Mr. Poe.

So the bill was indefinitely postponed.

H. B. No. 30. An act to amend an act to organize the county of Pierce;

Was taken up;

On the question—“Shall the bill pass?”

The ayes and noes were called, and the vote was as follows:

Yea—Messrs. Huff, Miles, Patterson, Strickler and Mr. President—5.

Noes—Messrs. Bigelow, Poe, Terry and Yantis—5.

So the bill was passed, and its title approved.

C. B. No. 18.

An act to amend an act entitled an act establishing a common school system for the territory of Washington.

Returned from the House with amendments.

The question being—Will the Council concur?

The Council concurred in the 1st, 3d and 4th amendments, and non-concurred in the 2d.

On motion of Mr. Yantis,

*Ordered*, That a committee of conference be appointed to confer with a like committee from the House on the 2d House amendment to C. B. No. 18.

The Chair appointed Messrs. Bigelow and Patterson said committee.

H. J. M. No. 4—Relative to post routes in Washington territory;

Read a first time; and,

Ordered to a second reading.

On leave, Mr. Strickler introduced,

C. B. No. 34. An act amendatory to an act to amend an act entitled an act relating to elections, and the mode of supplying vacancies;

Which was read once;

Ordered to a second reading.

On motion of Mr. Miles,

Council adjourned.

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FRIDAY, January 26, 1855.

Council met pursuant to adjournment.

All present.

The journals were read and approved.

Mr. Huff, chairman of select committee to whom was referred, C. B. No. 26. An act to amend an act regulating fees and costs. Reported the bill back with various amendments.

A message from the House by their Clerk:

Mr. PRESIDENT:—I am instructed by the House to report to you the passage of

C. B. No. 5. An act to amend an act establishing probate courts for the territory of Washington;

With amendments.

C. B. No. 6. An act to amend an act entitled an act to exempt certain property from attachment and execution;

With amendments.

H. B. No. 45. An act relating to gaming and gaming contracts;

H. B. No. 47. An act to locate a territorial road from the mouth of the Columbia river to intersect a territorial road from the Willapa river to Boisfort Plains;

H. B. No. 48. An act to prohibit the manufacture and sale of intoxicating liquors in the territory of Washington;

H. B. No. 52. An act authorizing William Packwood to establish and keep a ferry across the Nesqually river;

And ask the concurrence of the Council therein.

Also, that the House has passed

C. B. No. 11. An act to assign the district judges their respective districts;

C. B. No. 34. An act to amend the election laws;

Was read a second time; and,

On motion of Mr. Terry,

Referred to committee on Elections.

H. M. No. 4—read a second time.

On motion of Mr. Huff,

The rules be suspended, and the memorial read a third time.

On the question of the passage,

Mr. Terry called the yeas and nays, and the vote was as follows:

Yea—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry Yantis and Mr. President.—9.

So the memorial was passed unanimously.

C. B. 26—An act to amend all acts relating to fees and costs;

Reported back with amendments by select committee to whom it was referred, was taken up, amendments adopted, and,

On motion of Mr. Yantis,

Laid on table till to-morrow.

On leave, Mr. Poe, chairman of select committee to whom was referred  
C. B. No. 32—An act to provide for assessing and collecting territorial  
revenue;

Reported back by committee on Ways and Means, with amendments,

On motion of Mr. Huff,

Bill with amendments was referred to committee on Judiciary.

On leave, Mr. Miles, chairman of committee on Elections, reported back  
C. B. No. 34—An act to amend the election law;

Without amendment,

Read a second time; and

Ordered to a third reading.

C. B. No. 5. An act to amend the probate law;

Returned from the House with amendments, was taken up.

Council non-concurred in 1st amendment.

Mr. Terry called the yeas and nays.

Yea—4.

Nay—5.

And the Council concurred in second amendment.

Mr. Huff calling the yeas and nays.

Yea—5.

Nay—4.

C. B. No. 6. An act to amend the exemption law;

Returned from the House with amendments;

On the question—Will Council concur in 1st amendment?

Mr. Terry called the yeas and nays.

Ayes—Messrs. Bigelow, Miles, Terry and Yantis—4.

Noes—Messrs. Huff, Patterson, Poe, Strickler and Mr. President—5.

On the question of concurrence in the second amendment,

Mr. Huff called the yeas and nays:

*Yea.*—Mr. Poe and Mr. President.—2.

*Nay.*—Messrs. Bigelow, Huff, Miles, Patterson,, Strickler, Terry and  
Yantis—7.

Mr. Poe moved to amend the 3d amendment of the House by inserting  
“funeral expenses;”

Which motion was lost.

Mr. Miles called the yeas and nays:

Yea—Messrs. Poe, Terry and Yantis—3.

Nay—Messrs. Bigelow, Huff, Patterson, Strickler and Mr. President—6.

On the 4th amendment of the House, Mr. Terry called the yeas and nays:

Ayes—Messrs. Poe, Terry and Yantis—3.

Noes—Messrs. Bigelow, Miles, Huff, Patterson, Strickler and Mr. President—6.

On the 5th and last amendment of the House, Mr. Miles called the yeas and nays:

Ayes—Messrs. Poe, Terry and Yantis—3.

Noes—Messrs. Bigelow, Huff, Miles, Patterson, Strickler, and Mr. President—6.

So the Council non-concurs in all the amendments of the House.

H. B. 45—An act in relation to gaming and gaming contracts;  
Read a first time; and,

On motion of Mr. Poe,

The rules were suspended, and the bill read a second time.

On motion of Mr. Huff,

Council resolved itself into committee of the whole to consider H. B. No. 45.

Mr. Poe in the Chair.

After some time spent in committee of the whole, committee rose, and reported the bill back without amendment.

On motion of Mr. Yantis,

The rules were suspended, and the bill read a third time, passed and its title agreed to.

H. B. No. 47. An act in relation to a territorial road from the mouth of the Columbia river to Olympia;

Read a first time.

Ordered to a second reading.

H. B. No. 48. A prohibitory liquor law;  
Was read once, and ordered to a second reading.

H. B. No. 52. An act authorising Wm. Packwood to establish a  
ferry across the Nesqually river;  
Read a first time; and,  
Ordered to a second reading.

H. J. R. 7—In relation to apportioning the representation of the legis-  
lative assembly;

Was indefinitely postponed by the following vote, Mr. Huff calling the  
yeas and nays:

Ayes—Messrs. Huff, Miles, Patterson, Poe, Strickler, Terry and  
Mr. President—7.

Nays—Messrs. Bigelow and Yantis—2.

Mr. Terry asked leave to introduce a bill entitled,

An act supplementary to an act to locate and establish a territorial road  
from Vancouver, the county seat of Clarke county, in Washington terri-  
tory, to intersect a territorial road at or near the Cowlitz Farms in Lewis  
county.

There being objection made, the question, "shall leave be granted," was  
put, and decided in the negative.

On leave being granted, Mr. Yantis introduced,

C. J. M. No. 9—asking congress to establish a port of delivery at  
Olympia;

Which was read three times, the rules being suspended, and passed by  
a unanimous vote as follows:

Mr. Poe called the yeas and nays.

Ayes.—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry,  
Yantis and Mr. President—9.

On motion of Mr. Poe,

*Ordered*, That the rules be suspended for the balance of the session, so  
that the Clerk be required to report the passage of bills to the House  
daily.

On motion of Mr. Huff,

C. B. No. 34—An act to amend the election law,  
Was taken up and read a third time.

On the question—"Shall the memorial pass?"

Mr. Terry called the yeas and nays, and the vote was as follows:

Yea—Messrs. Bigelow, Huff, Patterson, Strickler, Yantis and Mr. President—6.

Nay—Messrs. Miles, Poe and Terry—3.

So the bill passed, and its title was agreed to.

On motion of Mr. Terry,

Council adjourned.

AFTERNOON SESSION.

On motion of Mr. Terry,

Chairman of committee on Roads and Highways reported back

H. B. No. 16—An act to amend an act relating to constructing and maintaining of roads;

With amendments,

Which were adopted, and bill ordered to a third reading.

On motion of Mr. Strickler,

Council adjourned.

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SATURDAY, January 27th, 1855.

Council met pursuant to adjournment.

All present.

The Journal of yesterday read and approved.

On motion of Mr. Bigelow,

A committee of conference on H. amendments to C. B. 5, was appointed.

Messrs. Patterson, Bigelow and Terry, said committee.

H. B. No. 48. An act to prohibit the manufacture and sale of intoxicating liquors;

Was read a second time,

Mr. Poe moved to amend by striking out "for mechanical, medicinal or sacramental purposes," in 1st section.

Which motion was carried.

Mr. Huff moved a call of the House.

The sergeant-at-arms was ordered to bring in absent members. The absent members having returned, the call was suspended.

On motion of Mr. Terry,

The vote by which H. B. 48, was amended, was re-considered.

The question then being on the adoption of the amendment, Mr. Bigelow called the yeas and nays.

Yea—Messrs. Miles, Poe, Terry and Mr. President—4.

Noes—Messrs. Bigelow, Huff, Patterson, Strickler and Yantis—5.

So the amendment was not adopted.

Mr. Huff moved an amendment providing for an agent to sell spirituous liquors for medicinal purposes;

Which, with the bill,

On motion of Mr. Yantis,

Was referred to committee on Judiciary.

H. B. 52. An act to authorise Wm. Packwood to establish and keep a ferry across the Nisqually river.

Was read a second time.

Mr. Miles moved to amend by striking out "ten years," and inserting "five years."

Mr. Poe moved as an amendment to the amendment to strike out "ten" and insert "fifteen;"

Which amendment was lost; and the original amendment adopted.

The bill was then ordered to a third reading.

H. B. No. 26. An act to prevent the sale of intoxicating liquors to Indians;

Was then taken up;

The question being—Shall the bill be read a third time?

The yeas and noes were called, and the vote was as follows:

Yea—Messrs. Bigelow, Huff, Patterson, Poe, Strickler, Terry, and Mr. President—7.

Noes—Messrs. Miles and Yantis—2.

The rules were suspended, and the bill read a third time.

On the question—Shall the bill pass?

Mr. Terry called the yeas and nays, and they were as follows:

Ayes—Messrs. Bigelow, Huff, Miles, Patterson, Strickler, and Mr. President—6.

Noes—Messrs. Poe, Terry and Yantis—3.

H. B. No. 16. A act to amend an act, entitled, an act to provide for constructing and maintaining roads,

Was read a third time, passed and its title agreed to.

Message from the House by their clerk :

MR. PRESIDENT—I am instructed to report that the House has passed C. B's. No. 7, 16, 19 and 28, and C. J. M. No. 9;  
With amendments.

And H. B. No. 44, and request the concurrence of the Council therein.  
Also,

That they have passed C. B's. No. 15 21; 13 and 33, without amendment, and they are herewith returned to the house in which they originated.

That the House concurs in Council amendment to H. B's 26 and 27, and have adopted the report of committee of conference on C. B. No. 18, and H. B. No. 39.

Also, has concurred in Council amendments to H. J. M. No. 2, and H. B. No. 41;

House insist on their amendments to C. B. 6, and ask a committee of conference.

Messrs. Wallace, Watkins and Denny, committee on the part of the House. Also, insist on their amendment to C. B. No. 5, and appoint Messrs. Clark, Briscoe and Stiles, committee of conference on part of the House;

Also, that the House has rejected C. J. R. No. 8, and C. B. No. 29.

C. B. No. 18.

An act to amend an act entitled an act establishing a common school system for the territory of Washington.

On the amendments to which, made in the House, a committee of conference were appointed, was reported back by said committee, their report adopted, and the bill passed, and its title approved.

C. B. No. 6. An act to amend an act entitled an act to exempt certain property from attachment and execution;

Was returned from the House with a message insisting on their amendments, and asking a committee of conference thereon.

The Chair put the question—will the Council appoint the committee of conference asked by the House?

Which was decided in the negative.

H. M. No. 2—Relative to town sites;

Was returned from the House with their non-concurrence in Council amendment, and asking a committee of conference.

The Council agreed to the committee of conference asked by the House and the Chair appointed Messrs. Patterson and Terry said committee on the part of the Council.

C. B. No. 7. An act to locate the territorial University;

With House amendments, was taken up;

On motion of Mr. Yantis,

C. J. M. No. 9—asking congress to establish a port of delivery at Olympia;

Returned from the House with an amendment for the concurrence of the Council.

Mr. Miles moved to amend House amendment by adding “and Gray’s Harbor;”

Amendment adopted, and the amendment as amended, concurred in.

On motion of Mr. Miles,

*Ordered*, That the President continue his former practice to put all bills on their passage after they have been amended.

C. B. 16. An act touching the relation of guardian and ward;

With House amendments, was taken up.

On the question—will the Council concur?

It was decided in the affirmative.

So the bill was passed, and its title agreed to.

Message from the House by their Clerk:

MR. PRESIDENT:—I am instructed by the House to report to you that the House has amended Council amendment to H. B. No. 17, and concurred in the same as amended;

Also, in the Council amendment to H. J. R. relative to the suspension of the 11th joint rule of the two houses.

C. B. No. 19. An act to organize the militia;

Was taken up with House amendments.

Council concurred in House amendments.

The question being—Shall the bill pass?

Mr. Poe called the yeas and nays.

Yea—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry and Yantis.—8.

**Nays—Mr. President.**

So the bill was passed, and its title approved.

C. B. No. 28. An act to legalize the assessment of Cowlitz county.

Returned with amendments, was taken up, amendment concurred in and bill passed, and its title agreed to.

H. B. No. 44. An act to amend an act entitled an act regulating marriage;

Read a first time; and,

On motion of Mr. Yantis,

The rules were suspended, and the bill read a second time.

Mr. Yantis moved to refer to committee on Judiciary.

Mr. Poe moved to amend so as to refer to committee on Indian Affairs.

Mr. Strickler moved to lay on the table;

Which several motions were lost, and the bill ordered to a third reading.

C. B. No. 32—An act to provide for assessing and collecting territorial revenue;

Was reported back by Mr. Bigelow, chairman of the committee on Judiciary, to whom it had been referred, without amendment, and a recommendation that the amendment referred with the bill, be not adopted;

Report adopted, and bill ordered to its third reading.

H. B. No. 17. An act in relation to fences and fence viewers;

Returned from the House with an amendment to the amendment of the Council.

The question being—will the Council concur?

It was decided in the negative.

H. J. R. No. 10—Suspending the 11th joint rule;

Was read three times, the rules being suspended, and passed.

On motion of Mr. Yantis,

*Ordered*, That the Clerk report to the House that the Council have refused to appoint the committee of conference on C. B. No. 6, asked by the House.

On leave, Mr. Poe introduced C. J. R. No. 11. Relative to the removal of the military post from Steilacoom;

Which was read three times, the rules being suspended, and passed by a unanimous vote.

Mr. Miles calling the yeas and nays.

On leave, Mr. Poe introduced,

C. J. R. No. 12. Relative to the election of military officers by the legislature;

Which was read three times, under a suspension of the rules, and passed.

On leave, Mr. Huff introduced,

C. B. No. 35. An act to dissolve the bonds of matrimony between David P. Bowles, and Maria his wife;

Read a first time.

On motion of Mr. Miles,

The Council adjourned.

#### AFTERNOON SESSION.

A message from the House by their Clerk:

Mr. PRESIDENT:—I am instructed by the House to report to you the passage of

C. J. R. No. 11. Relative to the election of military officers;

On motion of Mr. Miles,

*Ordered*, That the Clerk inform the House that the Council are in session, and ready to meet the House in joint convention.

On motion of Mr. Miles,

Council took a recess of five minutes.

Message from the House by their Clerk:

Mr. PRESIDENT: I am instructed to inform you that the House is now in session, and ready to meet the Council in Joint Convention in the Hall of the House of Representatives.

The Council then repaired to the hall of the House of Representatives and took their seats on the right of the Speaker.

The convention proceeded to the election of territorial and military officers, and the result was as follows:

Territorial treasurer, James K. Hurd,

" auditor, R. M. Walker,

" librarian, B. F. Kendall,

" printer, Geo. B. Goudy,

Brigadier General Geo. Gibbs.

The business being finished, the convention dissolved, and the Council returned to their chamber.

On motion of Mr. Bigelow,

Council adjourned.

MONDAY, January 29, 1855.

Council met pursuant to adjournment.

All present.

The journals were read and approved.

Mr. Poe, from the joint committee on Enrolled Bills, reported the following bills as truly enrolled:

C. B. No. 3. An act to provide for the selection of the place for the location of the seat of government;

C. B. No. 8. An act to locate the penitentiary of the territory of Washington;

C. B. 12. An act appointing officers for the county of Walla-walla;

C. B. 22. An act to amend an act entitled, an act to regulate the practice and pleadings in prosecutions for crimes;

And, C. J. R's. 3, 4 and 5, and C. J. M's. 1 and 5.

Mr. Bigelow, chairman of the committee on Judiciary, reported back

H. B. No. 48. An act to prohibit the manufacture and sale of intoxicating liquors;

With amendments.

Mr. Terry, chairman of committee on Roads and Highways, reported back,

H. B. No. 47. An act to locate a territorial road from the mouth of the Columbia river to intersect a territorial road from the Willapa river to Boisfort Plains;

Without amendments.

Mr. Miles, chairman of the select committee to draft an apportionment bill, reported

C. B. No. 35. An act to apportion the representation of the territory of Washington.

Mr. Miles from select joint committee appointed in accordance with the provisions of C. B. 3—an act to provide for the selection of the place for the location of the seat of government, submitted a report of the majority of the committee.

Mr. Yantis, from the same committee, submitted a report of the minority, accompanied with a bill,

C. B. No. 36. An act supplementary to an act explanatory of an act to provide for the selection of the place for the location of the seat of government of Washington Territory.

The President gave notice that he was about to sign the following Council bills:

No. 3. An act to provide for the selection of the place for the location of the seat of government of the territory of Washington:

No. 8. An act to locate the penitentiary of the territory of Washington;

No. 12. An act appointing officers for the county of Walla-walla.

No. 22. An act to amend an act to regulate practice and pleadings in prosecution for crimes;

And Council resolutions No. 3, 4, and 5, and memorials No's. 1, and 5; and asked if there was any objection.

Mr. Miles moved that the two reports of the joint committee just made be read before the President signed C. B. No. 3, and called the yeas and nays on the motion.

Yea—Messrs. Huff and Miles—2.

Noes—Messrs. Bigelow, Poe, Strickler, Terry, Yantis and Mr. President—6.

Absent—Mr. Patterson.

So the motion was lost, and the President signed the bills.

C. B. 32. An act to amend an act to provide for assessing and collecting county revenue;

Was read a third time, passed, and its title agreed to.

H. B. No. 52. An act authorizing William Packwood to establish and keep a ferry across the Nesqually river;

Was passed and its title agreed to.

H. B. No. 44. An act to amend an act to regulate marriage;

Was read a third time.

On the question—Shall the bill pass?

Mr. Terry called the yeas and nays, and the vote was as follows:

Yea—Messrs. Bigelow, Huff, Patterson, Poe, Strickler and Yantis—6.

Nay—Messrs. Miles, Terry and Mr. President—3.

So the bill passed, and its title was agreed to.

The two reports of the joint committee appointed in accordance with the provisions of C. B. No. 3, submitted to-day, were read, and the committee discharged.

A message from the House by their Clerk:

Mr. PRESIDENT: I am instructed to ask the concurrence of the Council in

H. B. No. 50. An act appointing commissioners to select a site, and superintend the construction of the penitentiary of the territory of Washington;

H. B. No. 49. An act to amend an act to define the time of holding the supreme and district courts in Washington territory; and

H. B. No. 55. An act to provide for the publication of the laws and journals of this territory;

C. B. 20, with amendments."

On motion of Mr. Bigelow,

The rules were suspended to read C. B. 36, a second time now, and further suspended to read a third time;

On the question—"Shall the bill pass?"

Mr. Miles called the yeas and nays:

Yea—Messrs. Bigelow, Huff, Patterson, Poe, Strickler Yantis and Mr. President—7.

Nay—Messrs. Miles and Terry—2.

So the bill was passed and its title agreed to.

H. B. No. 47, Reported back from the committee on Roads and Highways,

Was ordered to a third reading.

H. B. No. 48. An act to prohibit the manufacture and sale of intoxicating liquors in the territory of Washington;

Reported back from committee on Judiciary, with amendments was taken up,

Mr. Poe moved to amend the amendment by inserting after the word "person," in the second section, "who belongs to a regular temperance society of the total abstinence principle;"

Which motion was lost.

On motion of Mr. Bigelow,

Council adjourned.

#### AFTERNOON SESSION.

The question being on the amendment of the committee on Judiciary to H. B. 48, the amendments were adopted, and the bill ordered to a third reading.

On motion of Mr. Huff,

The rules were suspended, and the bill read a second time.

On the question—"Shall the bill pass?"

Mr. Terry called the yeas and nays, and the vote was as follows:

Yea—Messrs. Bigelow, Huff, Miles, Patterson, Strickler, Yantis and Mr. President—7.

Nay—Messrs. Poe and Terry—2.

So the bill passed and its title was agreed to.

Mr. Bigelow, from the committee of conference on H. amendments to C. B. No. 5, submitted the following report:

The committee of conference to whom was referred C. B. No. 5, respectfully report,

That they have agreed upon a report, and recommend that the House recede from its amendment to sec. 1, of said bill, and that sec. 3 and 4 of said bill be adopted.

(Signed) Messrs. Clark, Briscoe and Stiles, on the part of the House.

Messrs. Bigelow and Patterson on the part of the Council.

Which report was adopted.

On leave, Mr. Yantis introduced,

C. B. 37. An act amendatory to an act entitled an act relating to justices of the peace and constables, and the practice before justices of the peace.

C. B. No. 35. Was read once;

On motion of Mr. Poe,

The rules were suspended, the bill read a second time; and,  
Referred to committee on Elections.

C. B. No. 34. An act amendatory to an act to amend an act entitled an act relating to elections, and the mode of supplying vacancies;

Was read three times, the rules being suspended.

The question being—Shall the bill pass?

Mr. Poe called the yeas and nays.

Ayes—Messrs. Huff, Miles, Patterson, Strickler, Yantis and Mr. President—6.

Noes—Messrs. Bigelow, Poe and Terry—3.

So the bill passed, and its title was approved.

C. B. No. 7. An act to locate the University;  
Returned from the House with amendments.

Mr. Miles moved to amend the amendment by striking out the word "branch," where it occurs with the words in connection, and insert so as to provide for the establishment of two Universities, one at Seattle, in King county, and the other on Boisfort Plains, in Lewis county," and called the yeas and nays on the adoption of his amendment:

Ayes—Messrs. Miles and Mr. President.—2.

Nays.—Messrs. Bigelow, Huff, Patterson, Poe, Strickler, Terry and Yantis—7.

So the amendment was not adopted.

The question being—will the Council concur?

Mr. Miles called the yeas and nays, and the vote was as follows:

Yea—Messrs. Bigelow, Huff, Patterson, Poe, Strickler, Terry and Yantis—7.

Nays—Messrs. Miles and Mr. President.—2.

So the amendment was adopted, the bill passed and its title agreed to.

Mr. Bigelow moved to re-consider the vote of yesterday by which the Council refused to appoint a committee of conference on House amendments to C. B. 6;

Which motion was lost.

C. B. 37. An act amendatory to an act entitled an act relating to justices of the peace and constables, and the proceedings before justices of the peace.

Was read three times, the rules being suspended, passed, and its title agreed to.

A message from the House by their Clerk:

Mr. PRESIDENT: I am instructed to inform the Council that the House recedes from their amendment to

H. B. No. 17. An act in relation to fences and fence viewers; House concurs in Council amendment to House amendment to C. M. 9; Also, that the House has passed,

C. B. No. 36. An act supplementary to an act explanatory of an act to provide for the selection of the place for the location of the seat of government of Washington Territory.

And it is herewith returned to the house in which it originated.

C. B. No. 20. An act relative to the university lands;

Returned from the House with amendments, the question being—will the Council concur?

Mr. Yantis moved to postpone action on the bill till the 4th July next.  
Motion lost.

On the question pending—Mr. Miles called the yeas and nays, and they were as follows:

Ayes—Messrs. Huff and Strickler—2.

Noes—Messrs. Bigelow, Miles, Patterson, Poe, Terry, Yantis and Mr. President—7.

So the Council refused to concur.

On motion of Mr. Bigelow, it was

*Ordered*, That a committee of conference be appointed to confer with a like committee from the House, on the disagreement of the two Houses.

Messrs. Bigelow, Patterson and Yantis were appointed said committee.

H. B. No. 49. An act to amend an act to define the time of holding the supreme and district courts in Washington territory;

Was read a second time under a suspension of the rules.

Mr. Miles moved an amendment, attaching Pierce county to the 2nd judicial district;

Which was unanimously adopted, Mr. Bigelow calling the yeas and nays.

On motion,

The rules were suspended, and the bill read a third time.

On the question—"Shall the bill pass?"

Mr. Terry called the yeas and nays:

Ayes.—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry, Yantis and Mr. President—9.

So the bill passed unanimously, and its title was agreed to.

H. B. No. 50. An act appointing commissioners to select a site, and superintend the construction of the penitentiary of the territory of Washington;

Read a first time; and,

Ordered to a second reading.

H. B. No. 55. An act to provide for the publication of the laws and journals of this territory;

Which was read once; and,

Ordered to a second reading.

On motion of Mr. Miles, Council adjourned.

TUESDAY, January 30, 1855.

Council met pursuant to adjournment.

Absent—Messrs. Miles and Terry.

The journals were read and approved.

Mr. Strickler moved a call of the house.

The sergeant-at-arms was ordered to bring in the absent members.

Mr. Terry appeared and took his seat.

On motion of Mr. Yantis,

The call of the House was suspended.

H. B. No. 50—An act appointing commissioners to select a site, and superintend the construction of the penitentiary of the territory of Washington;

Was read a second time.

Mr. Yantis moved a call of the house.

The Sergeant-at-arms being sent for the absent members, returned, and reported that he was unable to find Mr. Miles.

The further call of the house was suspended.

On motion of Mr. Yantis,

The rules were suspended to read the bill (H. B. 50,) a third time.

Pending the question—Shall the bill pass?

Mr. Huff called the yeas and nays, and the vote was as follows:

Yea—Messrs. Bigelow, Huff, Patterson, Strickler Terry and Yantis—6.

Noe—Mr. Poe and Mr. President—2.

H. B. No. 55. An act to provide for the publication of the laws and journals of this territory;

Was read a second time.

On motion of Mr. Yantis,

The bill was referred to a select committee, with instructions to report this afternoon.

The Chair appointed Messrs. Yantis, Huff and Poe said committee.

H. B. No. 47. An act to locate a territorial road from the mouth of

the Columbia river to intersect a territorial road from the Willapa river to Boisfort Plains;

Was read a third time, passed, and its title agreed to.

On motion of Mr. Poe,

The committee on Elections were instructed to report on C. B. No. 35. Mr. Miles, chairman of that committee, returned

C. B. No. 35. An act to apportion the representation of the territory of Washington.

And reported that the committee could not agree.

The committee were discharged from the further consideration of the bill.

Mr. Strickler moved to amend the bill so as to read "Sawamish county shall elect one representative, and Thurston six".

Mr. Yantis moved as an amendment to the amendment so as to read "Thurston shall elect six, and Thurston and Sawamish shall elect one;"

Pending which amendment,

On motion of Mr. Yantis,

Council resolved itself into committee of the whole to consider H. B. No. 35.

Mr. Terry in the Chair.

After some time spent in committee of the whole, committee rose, and reported the bill back with various amendments.

The question being on the adoption of the amendments of the committee of the whole,

On motion of Mr. Strickler,

The last amendment which provided that Pierce county, shall elect two representatives, was not adopted.

The other amendments having been adopted,

On motion of Mr. Bigelow,

The rules were suspended, and the bill read a third time.

Mr. Strickler moved to reconsider that vote.

Which motion was lost.

The bill ( C. B. 35,) was then passed, and its title agreed to.

On motion of Mr. Terry,

The Council adjourned.

## AFTERNOON SESSION.

Mr. Bigelow moved a call of the house.

The Sergeant-at-arms was ordered to bring in the absent members, and

On motion of Mr. Huff,

The call was suspended.

Message from the House by their clerk :

MR. PRESIDENT—I am instructed to ask the concurrence of the Council in

H. B. No. 57.—An act relative to garnishees; and

H. B. 59.—An act in relation to building fences on land belonging to another;

On motion of Mr. Poe,

The several votes by which C. B. No. 35. An act to apportion the representation of Washington territory, was passed, and the bill placed on second reading.

Mr. Huff moved to amend the bill so that Walla-walla county should be entitled to one representative separately.

On which motion, Mr. Patterson called the yeas and nays.

The Sergeant-at-arms was ordered to bring in the absent members.

After waiting some time,

On motion of Mr. Miles,

The call was suspended to proceed with other business on the table.

H. B. No. 57. An act relative to garnishees;

Was read twice, the rules being suspended.

On motion of Mr. Miles,

The bill was amended by inserting "at the time such summons was served" after the word execution, in the 9th line, 1st section, and "at the time said summons was thus served" after the word "defendant" in the 8th line, 2d section.

Mr. Miles then moved to suspend the rules to read the bill a third time;

Which motion was lost, and the bill

Ordered to a third reading ; and

The Sergeant-at-arms returned, and reported that he was unable to find Mr. Yantis.

H. B. No. 59. An act in relation to building fences on land belonging to another person;

Was read once; and  
Ordered to a second reading.  
C. B. 35, was taken up.

The question being on the motion of Mr. Huff, to amend,  
The ayes and noes were called, and the vote was as follows:

Yea—Messrs. Huff, Patterson, Poe, Strickler and Terry—5.

Noes—Messrs. Bigelow, Miles and Mr. President—3.

Absent—Mr. Yantis.

So the amendment was adopted.

On motion of Mr. Terry,

The rules were suspended, the bill read a third time; and,

On the question—Shall the bill pass?

Mr. Miles called the yeas and nays; and before the roll was called, made objection to the manner in which the amendment proposed by Mr. Huff was ingrafted on the bill.

The President then put the question,

“Shall the amendment stand as it now reads?”

Which was decided in the affirmative.

Mr. Miles then asked and obtained leave to change his vote from no, to aye, on the adoption of the amendment of Mr. Huff.

The yeas and nays were then called on the passage of the bill, and they were as follows:

Ayes—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler and Terry—7.

Noes—Mr. President—1.

Absent—Mr. Yantis.

So the bill passed, and its title was agreed to.

On motion of Mr. Strickler,

Council adjourned.

WEDNESDAY, January 31, 1855.

Council met pursuant to adjournment.

Absent—Mr. Miles.

The Journal of yesterday read and approved.

Message from the House by their Clerk:

Mr. PRESIDENT: I am instructed to ask the concurrence of the Council in

H. B. No. 51. An act relative to marks and brands;

And to inform you that the House non-concurs in Council amendment to

H. B. 49. An act to amend an act to define the time of holding the supreme and district courts in territory of Washington;

And of the signing of the accompanying House bills by the Speaker of the House of Representatives, which are herewith transmitted for your signature.

The President laid before the Council several bills for the expenses of firing a salute on the 8th January, inst;

Which were read; and,

On motion of Mr. Terry,

Council resolved itself into committee of the whole to take the subject into consideration.

Mr. Huff in the Chair.

After some time spent therein, committee rose, and reported through their chairman, that they had arrived at no conclusion on the subject under consideration.

The President gave notice that he was about to sign the following bills from the House:

An act to amend an act entitled an act to provide for assessing and collecting county and territorial revenue;

An act to dissolve the bonds of matrimony between Geo. T. Eastabrook and Hannah L. Eastabrook.

An act to amend an act entitled an act to locate the county seat of Clarke county.

An act to incorporate the Puget Sound steam navigation company;

An act to locate a territorial road from Vancouver to the Dalles of the Columbia river;

An act amendatory to an act to amend an act entitled an act relating to elections, and the mode of supplying vacancies;

An act to amend an act entitled an act to locate a territorial road from Olympia to Monticello.

An act to locate the county seat of Lewis county.

An act to amend an act entitled an act to locate a territorial road from Steilacoom to Seattle.

An act to authorize James C. Cochran to establish a ferry across the Chehalis river.

An act to amend an act entitled an act to regulate the erection of wharves.

An act to amend an act entitled an act to organize the county of Pierce; passed the legislative assembly of the territory of Oregon, Dec. 22, 1852.

An act to locate the county seat of Sawamish county;

An act to locate and establish a territorial road from the Columbia river at Oak Point Mills, to intersect the territorial road from Cathlamet to Sidney S. Ford's sen.

An act to amend an act entitled an act relative to crimes and punishments, and proceedings in criminal cases.

An act for the preservation of oysters in Shoalwater Bay.

An act to amend an act entitled an act to locate a territorial road from Cathlamet to Sidney S. Ford's in Thurston county; passed April 25th, 1854.

An act to locate the county seat of Whatcom county.

An act to locate by popular vote the county seat of Chehalis county.

An act to authorize Wm. Ryan to establish a ferry on the Columbia river.

Joint resolution relative to the service of two companies of volunteers.

Joint resolution relative to appointing residents of this territory to the offices to be conferred in this territory.

Joint resolution requesting the Governor to draw out and expend the appropriation for public buildings.

Joint resolution relative to the election of territorial officers.

H. B. No. 59.—An act relative to building fences on the land of another person;

Was read a second time, and,

Referred to the committee on counties.

H. B. No. 57. An act relative to garnishees;

Was read a third time, passed and its title agreed to.

H. B. No. 49. An act to amend an act entitled an act to define the times for holding the supreme and district courts of Washington territory;

Returned from the House with their nonconcurrence.

The question will the Council insist on their amendment ?  
Was decided in the affirmative.

On motion of Mr. Miles,

Messrs. Poe, Strickler and Terry were appointed a committee of conference to confer with a like committee on the part of the House, on the amendment just non-concurred in.

H. B. No. 51—An act relative to marks and brands,  
Was read three times,  
The rules being suspended,  
Passed, and the title approved.

On leave, Mr. Yantis from the select committee to whom was referred H. B. 55,

An act to provide for the publication of the laws and journals,  
Reported the same back with an amendment ;

Mr. Poe moved to amend the amendment so as to provide two additional copies of each for the members of the Legislature, and one for each officer thereof,

Which amendment was adopted, together with the amendment of the committee ; and

On motion of Mr. Terry,

The rules were suspended to read the bill a third time now ;  
The bill was then passed and its title approved.

On motion of Mr. Terry,

Council adjourned till 2 o'clock,

#### AFTERNOON SESSION.

Mr. Terry was excused from attendance for the evening.

On leave Mr. Bigelow introduced the following resolutions,  
Which, the rules being suspended was adopted :

*Resolved*, That the Secretary of the territory be requested to pay the bills of John G. Parker, jr., Bettman Brothers and the Kendall Co., for the expenses of firing a salute on the 8th of January instant, as a portion of the legislative expenses.

*Resolved*, That if the Secretary of the territory does not pay the bills for the expenses of firing a salute on the 8th January instant, the mem-

bers and officers of the legislative assembly be, and are hereby requested to pay the same by contribution.

On motion of Mr. Huff,

Council adjourned.

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THURSDAY, February 1, 1855.

Council met pursuant to adjournment.

Journals read and approved,

Absent, Mr. Strickler,

Mr. Poe, from the joint committee on Enrolled Bills, reported C. B. Bills No. 4, 5, 11, 13, 15, 19, 21, 33 and 36, and C. J. M's. No. 4 and 9, as truly enrolled, ready for the signature of the President.

Mr. Patterson, Chairman of the committee on Counties, reported back H. B. No. 59,

An act in relation to building fences on the land of other persons, and recommended its rejection.

A message from the House by their Clerk :

MR. PRESIDENT :—I am instructed to ask the concurrence of the Council in H. B. 53, an act to amend an act defining the time of holding elections ; and to inform the Council that the House has adopted the report of the committee of Conference on House amendments to C. B. 20, and that the Speaker has signed the bills from the Council sent for his signature, which are herewith returned to the House in which they originated.

The President gave notice of signing the following bills which originated in the Council :

An act to organize the militia.

An act to create and establish to office of County Surveyor.

An act to change the name of the county seat of Clarke county.

An act to amend an act to increase county revenue.

An act to assign the District Judges of Washington territory to their respective districts.

An act to amend an act entitled, an act to create Cowlitz county and define its boundaries.

An act to amend an act entitled, an act establishing Probate Courts.

**An act authorizing District Courts to change the names of persons.**

**An act amendatory to and explanatory of an act entitled, an act to provide for the selection of the seat of government.**

**Joint memorial relative to Ports of Delivery at Olympia and Shoalwater Bay.**

**Joint memorial relative to the rights of Puget Sound Agricultural and Hudson's Bay Companies.**

**H. B. 59,** reported back by the committee on Counties, with a recommendation that it be rejected,

**Was taken up, and the report of the committee adopted.**

**H. B. 53—An act to amend an act defining the time for holding elections,**

**Was read three times,**

**The rules being suspended, and on its passage,**

**Mr. Huff called for the ayes and noes ;**

**And they were,**

**Yea—Messrs. Bigelow, Huff, Miles, Patterson, Strickler, and Mr. President—6.**

**Nays—Messrs. Poe, Terry, and Yantis—3.**

So the bill passed and its title was approved.

**A message from the House by their Clerk :**

**MR. PRESIDENT :—I am instructed to ask the concurrence of the Council in a joint resolution, relative to a commissioner to superintend the improvements on the site selected for the seat of government, and a Joint Memorial relative to stationing a man of war on the north-west coast, and to report the passage of C. B. 25, without amendment.**

**H. B. No. 49—An act to amend an act to define the time of holding the supreme and district courts,**

To which the Council had engrafted an amendment, in which amendment the House non-concurred,

And there was a committee of conference appointed thereon,

Was reported back by said committee with a recommendation that the Council recede from their amendment ;

On the question will the Council recede ?

**Mr. Poe called the ayes and noes ;**

**And they were,**

*Ayes*—Messrs. Poe, Terry, Yantis and Mr. President—4.

*Nays*—Messrs. Bigelow, Huff, Miles, Patterson and Mr. Strickler—5.

So the Council still insists on its amendment.

H. J. R. No. 11—Was read three times,  
The rules being suspended and passed.

H. M. relative to stationing a man of war on the north-west coast,  
Was read three times and passed, by the following vote :  
Mr. Poe calling the ayes and noes ;

*Ayes*—Messrs. Bigelow, Huff, Miles, Patterson, Poe, Strickler, Terry  
and Yantis—8.

*Nays*—Mr. President—1.

On leave, Mr. Poe introduced a Joint Resolution, instructing the secretary of the territory, to pay the Enrolling Clerk for services rendered,

Which was read twice ;

The rules being suspended,

Mr. Poe moved to amend by inserting the word “requested” instead of  
“instructed,”

Which amendment was adopted ;

Mr. Miles moved to refer to committee on Claims, with instructions to report thereon this afternoon,

Motion lost ;

Mr. Miles moved to lay on the table,

Motion lost ;

Mr. Huff moved to adjourn,

Motion lost ;

Mr. Poe moved to suspend the rules to read a third time now,

Motion lost ;

On motion of Mr. Miles,

Council adjourned till 2 o'clock p. m.

#### AFTERNOON SESSION.

On motion of Mr. Yantis,

The resolution under consideration was read a third time,  
The rules being suspended,

On its passage,  
Mr. Poe called the ayes and noes ;  
And the vote was as follows :

*Ayes*—Messrs. Bigelow, Huff, Patterson, Poe, Terry, Yantis and Mr. President—7.

*Nays*—Mr. Miles.

Absent, Mr. Strickler,  
So the resolution passed.

Mr. Poe from the joint committee on Enrolled Bills, reported the following bills as truly enrolled,

Which were signed by the President, viz :

An act to amend an act to define the northern boundary of Clarke county.

An act to provide for the selection and location of two townships of land for the University.

An act to locate the Territorial University.

An act to amend an act to establish the common school system in the territory of Washington.

An act to legalize the assessment of Cowlitz and other counties.

An act touching the relation of guardian and ward.

A message from the House by their clerk :

MR. PRESIDENT :—I am instructed to ask the concurrence of the Council in H. B. 58, an act to authorize the territorial auditor to draw a warrant on the territorial treasurer in favor of William Kelly ; to inform you that the House has passed C. B. 37, and to ask your signature to the bills herewith signed by the Speaker, and return to the Council the bills sent for his signature.

Mr. President gave notice that he would now sign the following House bills :

An act relative to marks and brands.

An act to locate a territorial road from the mouth of the Columbia river to Boisfort Plains.

An act to prohibit the sale of intoxicating liquors in this territory.

An act to locate a territorial road from Olympia to the Narcota landing on Shoalwater Bay.

An act appointing commissioners to superintend the construction of the Penitentiary of Washington territory.

An act to amend an act defining the time for holding elections.

An act to prevent the sale of liquor to Indians.

An act to prevent stud-horses, jackasses and rigalins, runing at large.

An act to locate a territorial road from Samuel Woodard's on the Wil-lapah river to intersect a territorial road leading from Cathlamet to Sidney S. Ford's.

An act to amend an act to regulate marriages.

An act to locate a territorial road from the county seat of Clarke county to intersect a territorial road at or near the Cowlitz farms, in Lewis county.

On motion of Mr. Poe, it was

*Ordered*, That when the Council adjourns it adjourn to meet at 6½ o'clock p. m.

H. B. 58, was read twice,

The rules being suspended, was laid on the table till the evening session.

A message from the House by their Clerk :

MR. PRESIDENT :—I am instructed to report to you the passage of C. B. 35, and C. R. 12, and ask your signature to the accompanying bill signed by the Speaker.

Mr. President gave notice that he would now sign the following House bill :

An act amendatory to an act entitled an act relating to justices of the peace and constables, and the practice before justices of the peace.

On motion of Mr. Terry,

Council adjourned.

#### EVENING SESSION.

A message from the House by their Clerk :

MR. PRESIDENT :—I am instructed to report to the Council the passage of H. B. No. 12, an act to amend an act to define the time of holding the supreme and district courts in W. T., and that the House has adopted the report of the committee of Conference on H. B. 49.

H. B. No. 12, was read once ; and

On motion of Mr. Miles,

The rules were suspended so that the bill was read three times ;  
The bill passed and its title was approved.

Mr. Poe from the joint committee on Enrolled Bills, reported the following bills as truly enrolled,

Which were duly signed by the President, viz :

An act to incorporate the agricultural society of Washington territory.

An act to apportion the representation of Washington territory.

On motion of Mr. Terry,

All action on H. B. 49,

Was indefinitely postponed.

H. B. 58, was read a second time,

And Council refused to suspend the rules to read a third time.

A message from the House by their Clerk :

MR. PRESIDENT :—I am instructed to ask your signature to the accompanying House bills.

Mr. President gave notice that he would now sign the following bills from the House :

An act to provide for the publication of the Laws and Journals of this territory.

An act in relation to fences and fence viewers.

An act to amend an act entitled an act to provide for constructing and maintaining roads.

Joint memorial relative to town sites.

Joint resolution suspending J. Rule 11.

Joint memorial relative to post routes in this territory.

Joint memorial relative to stationing a man of war on the north-west coast.

Joint resolution relative to the payment of the Enrolling Clerk.

Mr. Yantis offered the following resolution,

Which was unanimously adopted :

*Resolved*, That the Council do hereby tender a vote of thanks to the Clerk's, Sergeant-at-arms and Door Keeper for the faithful performance of their duties as officers of the Council during the present session.

On motion of Mr. Miles, it was

*Ordered*, That the Clerk inform the House, the Council is now ready to adjourn *sine die*.

A message from the House by their Clerk:

MR. PRESIDENT :—I am instructed to ask the concurrence of the Council in H. B. 61, an act to amend an act to regulate the practice and pleadings in civil actions.

H. B. 61, was read twice, the rules being suspended,  
And Council refused to suspend the rules to read a third time.

A message from the House by their Clerk :

MR. PRESIDENT :—I am instructed by the House to inform you of the passage of a joint resolution for the appointment of a joint committee to wait on the governor, to know if he had any further communications to make ; and ask your signature to the accompanying bills which have been signed by the speaker.

H. R. relative to the appointment of a joint committee was read three times,

The rules being suspended and passed.

Messrs. Terry and Yantis were appointed said committee on the part of the Council.

The president announced that he would now sign the following bills :

An act to amend an act to define the Judicial Districts of W. T.

An act relative to garnishees.

Mr. Terry from the joint committee to wait on the Governor, reported that his Excellency had no further communications to make.

A message from the House by their Clerk :

MR. PRESIDENT :—I am intructed to inform the Council that the House is now ready to adjourn *sine die*.

Mr. Poe offered the following resolutions,

Which were unanimously adopted :

*Whereas*, The Legislature of the territory of Washington is about to adjourn after a somewhat protracted and arduous session ; and

*Whereas*, The Hon. Seth Catlin, President of the Council, has acquitted himself in the discharge of his official duties to the entire satisfaction of that body ; therefore be it

*Resolved*, That the members of the Council at this session of the Legislature, have had reason to congratulate themselves that their body has been presided over by so worthy and able a President.

*Resolved*, That the able and efficient manner in which the Hon. Seth Catlin has discharged his duties as President, always just and impartial, and at the same time courteous and gentlemanly, has endeared him to the memory of all the members, and entitles him to this expression of their sincere thanks.

Mr. Yantis moved that the Council do now adjourn *sine die* ;

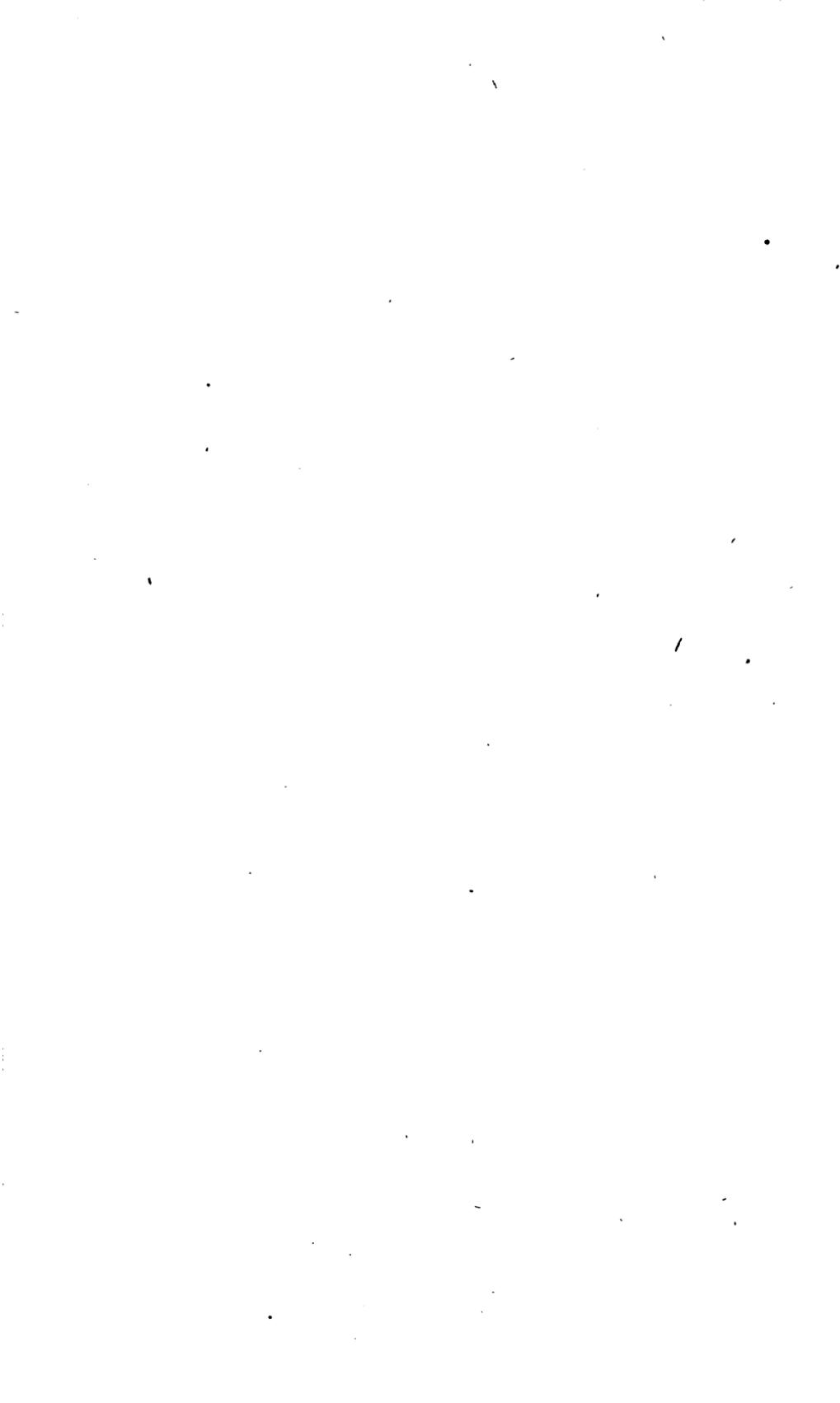
Which motion prevailing,

Mr. President addressed the Council as follows :

GENTLEMEN OF THE COUNCIL :—Our business is now closed and we are about to return to our constituents to receive the reward of our labors. May you be met with the greeting of "well done, thou good and faithful servant." In your return, you carry with you my kindest feelings and warmest wishes for your future welfare.

If in the discussion of important measures, and in the heat of debate, my ardent disposition has appeared too much excited, it was from the influence of the cause and not from any personal feeling.

Gentlemen of the Council, it was a gratification sincerely felt by me, that your confidence placed me in the important position of presiding officer of this House. It has been my most earnest desire to act worthy of that confidence. How well I have succeeded in that desire, you are the better judges. For your indulgence, assistance, kindness and courtesy, I thank you. May the blessings of Heaven rest on our labors and our country. I now pronounce the Council adjourned *sine die*.



## **A P P E N D I X.**



## APPENDIX.

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### GOVERNOR'S MESSAGE.

*Fellow citizens of the Legislative Assembly  
of the territory of Washington:—*

My long absence from the territory, and the late period of my return, will prevent my entering as fully as I should desire into our general condition and prospects. I shall simply touch upon some general points of interest to the territory and the country at large. It is incumbent upon me, however, to express my sense of the kindness and consideration which have been manifested since I entered upon the duties of your executive.—Especially has this been shown in the circumstances attending my absence from the territory. I left with your concurrence, and after satisfying my judgment that certain public questions with which I was charged, required my presence at the national capitol. I knew that I should leave the duties of the executive department and of the Indian superintendency in able and safe hands, and that affairs would be managed in a manner that would reflect credit upon the secretary of the territory, and give general satisfaction to the people. I have not been mistaken in either particular, and I now return, after an arduous period of service elsewhere, with the most unalloyed satisfaction.

I cannot but congratulate you, fellow citizens, on the aspect that our territory at present presents. Just one year has rolled away since the pro-

clamation was issued giving vitality to our organic act, and calling into existence a new component part of that great confederacy, to whose extent nature has been unable to assign any limits.

Within that brief period, our population has rapidly increased. A legislature has assembled, and dispensed to the people laws made by representatives of their own selection. Courts have been held and meted out general justice to all. Towns have increased in size, and assumed the business of established cities. Steam, the lever of the present social world, has made its appearance in our far-famed waters. Everything, in fine, betrays a prosperous and growing republic.

Since you were last assembled, many changes have taken place for our internal and social welfare. A surveyor general, a register, and receiver, have been granted to us. Appropriations have been made for the extinguishment of the Indian title to the lands in the territory. Light houses have been provided for upon our coast, and mail routes have been more thoroughly extended throughout the territory.

The mail routes heretofore existing, have been further extended to all the settlements on Puget Sound and its adjacent waters, and from the valley of the Columbia, by the way of the Coeur d' Alene mission, to fort Benton, in the territory of Nebraska. This merely establishes the route, without providing for the sending of the mail. Two years ago Congress established by law the connection of Olympia and Steilacoom, *via* Astoria, with San Francisco, but as yet no mail steamer has made its appearance. The growing wants of our community, the number of Indian tribes on our waters, and our position on the frontier, loudly call for this facility of communication. I therefore recommend to you to press as earnestly as possible, by the way of memorial, the fulfilment of these laws, made for our benefit, and to which our rights as American citizens entitle us.

I will earnestly call your attention to the importance of organizing an effective militia for the defense of the territory. Without dwelling upon our Indian relations, which have at several times the past season been critical, and which in our sister territory obstructed the great emmigrant trail and caused the loss of many lives, there are reasons connected with the war now waging in Europe and which has extended to the possessions on our north, for its being done without delay. This war will probably be a very stern and protracted one, and may involve the necessity of our country taking a firm stand as the great power of the American continent. I am persuaded that no trifling with the rights for which we have contended since we have been a nation, will be tolerated. Our flag will still wave in every sea, and our citizens will be protected in legitimate pursuits to the ends of the earth. In my message to the first assembly of the territory I gave my views at length, and to that document I will respectfully refer you.—

It is of great consequence, in a national point of view, that depots of powder and heavy guns should be established on the Columbia river and on the Sound, and the attention of the general government ought to be called to it. I will here observe, that under existing laws, no distribution of arms can be made to the states and territories 'till the militia is enrolled, and the returns filed with the proper department in the city of Washington. As soon as I received intelligence of the Indian disturbances at Bellingham Bay, I made application to the Secretary of War for arms and ammunition for our citizens, but the application failed for want of an enrollment of the militia of the territory.

It is the duty of the general government to afford adequate protection to the great thoroughfares from the old states to the western coast. The numerous Indian massacres the past season must seriously interfere with emigration, and may, the coming year, entirely block up the usual trail to the territories of Washington and Oregon. I will suggest that you urge upon Congress the necessity of placing upon this trail such a force as will inflict summary chastisement on hostile Indians, and render it safe for our emigrants moving in small bodies.

It gives me great pleasure to be able to inform you that the executive department of the general government, is fully impressed with the importance of settling the disputed boundary question on our north, and of relieving this territory from the pressure of the foreign corporations in our midst. At the last session of Congress, authority was asked to run the northern boundary line from the lake of the Woods to the Pacific ocean, and to extinguish, by purchase, after a thorough investigation, by a commission of their claims, the rights of the Hudson's Bay and Puget Sound Agricultural companies. Both measures were earnestly pressed, and passed one branch, but failed in the other branch of Congress. A strong and respectful memorial, setting forth the discouragements and vexations of our settlers, and the development of the population and resources of the territory which would result from the settlement of these questions, must have weight with Congress, and I will earnestly recommend it.

Congress made appropriations for the continuation of the rail road surveys from the Mississippi river to the Pacific ocean, and it is confidently believed that every practicable route will be explored and surveyed, in order to a just and safe action on this momentous question. The whole intermediate territory is now organized, and the pressure of population will of itself build several roads, in the national extension of our rail road system. It seems to me it would be a dangerous precedent, and in every respect highly inexpedient, to look to Congress for any other aid than it can properly render as the proprietor of the domain over which the roads will pass, and in the way of the business which it must transact on these roads.

The information already developed in reference to our great interior by these explorations, is surprising. Beautiful prairies and delightful valleys —easy passes, practicable at all seasons of the year, have taken the place of savage deserts and mountain defiles, impracticable half the year from snow. East of our own Cascades, we have an unsurpassed stock grazing and wool growing country. The Bitter Root mountains furnish inexhaustible supplies of limestone and lumber. On its western slopes, and between the Bitter Root and Rocky mountains, the soil is fertile, and adapted to all the products of the temperate zone. Such is the result, in our own territory, of careful and minute exploration.

West of the Cascades, there is a large quantity of excellent land. The more the country is examined, the better it develops. Inexhaustible beds of limestone and coal are found on the shores of the sound. The distinguished geologist, Dr. John Evans, has, during the past season, made a general examination of the coal resources of the territory, and reports it to be of a good quality, and adapted to nearly all uses. He has discovered, in several places, jets of anthracite coal. If our coal should be found suitable for ocean steamers, as an element of national strength, it will rival the gold of California, and will at once settle the question of steam communication with the east. Not only the whole western coast, but the country at large, has a vital interest in this matter. A more minute examination of our coal measure is called for, and the general geological survey of the territory should be completed to develope its mineral wealth, as an indispensable preliminary to the survey of the public lands. I regret to inform you that Congress failed to make provision for this survey at its last session, and I will suggest that Congress be memorialized to provide for the expense of Dr. Evans's examination the past season, and for the completion of the work. It will be gratifying to the people of the territory to know that California has already moved in the matter. Her most eminent citizens have memorialized her congressional delegation to make every exertion to procure the necessary appropriations.

The people of the territory have shown their appreciation of the necessity of roads by the action of the first legislative assembly, and their own exertions in cutting trails and carrying out the provisions of law. All the territorial roads have been made post routes by act of Congress. Nothing will tend so rapidly to advance our settlements and general prosperity, as the opening of communication. I doubt not that you all are alive to the importance of this subject. A road, of easy grades, from the settlements at the head of the sound to Bellingham bay, can be so located as to open a fertile country, and it is probable that a good route could be found on the other side of the sound to some port on the straits.

A matter of general interest to the territory, is the opening of the mili-

tary road from Walla Walla to fort Steilacoom; affording to the immigrant an easy and safe access to the country upon the sound. It is recommended that this be made by law a territorial road also, and that it be rendered the duty of the proper officers to keep it open and in repair.—The portion of the road between Steilacoom and White river has not been worked, as the appropriation was not sufficient to cover the whole ground, but as it lies within the settled country, and affords comparatively few obstacles, the counties themselves will be able to improve it. It would be a great benefit to those travelling this road, should the legislature take some step towards sowing with grass seed the small prairie known as the Bare prairie, situated a little below the mouth of Green river, as also the sides of the mountain known as La Tete. These points are intermediate in a long distance destitute of grass, and are almost necessarily stopping places on the march. A very small sum would cover the expense of planting them, and the advantage would be incalculable.

I regret to be obliged to inform you that no appropriations for roads were made by congress at its last session. Three roads I deem of vital consequence, in a military point of view, and for which ample appropriations should be made. Those from the Sound to the Columbia river, and from Columbia city to the Dalles, are urgently demanded by the increasing population of the territory. The road from Walla Walla to fort Benton, in the territory of Nebraska, will have an immense influence in settling our territory, and is demanded in connexion with Indian affairs. The Indians on this route are about to be brought into treaty arrangements, and besides special appropriations for the Indians of this territory, Congress has made ample appropriations to convene a general council at fort Benton.—An excellent route for a wagon road has been found, of easy grades, with a plentiful supply of wood and water. From fort Benton to the upper Mississippi, and the western end of lake Superior, a natural road exists, requiring simply a little work here and there to make it passable all the year. These roads completed, and the Indian relations placed on a stable basis, many emigrants will pass over the lakes to the western end of lake Superior, and reach our territory by this route. I trust no delay will occur on your part in memorializing Congress to provide for the construction of these roads, which have received the sanction of one branch of Congress, and now only await the action of the other branch.

The rising prosperity and rapid increase of our towns render it necessary for the safety of individuals, and to avoid uncertainty, that the real estate in such places should be placed upon some firm basis. By an amendment to the act of Congress of September 27th, 1850, passed at the last session, it is provided, "That the donations hereafter to be surveyed shall, in no case, include a town site, or lands settled upon for business or trade,

and not for agriculture." The construction of the department of the interior upon this important provision, is to the effect, that if a claim is taken for the purposes of agriculture, and subsequently a town or trade springs up upon such claim, it is not affected by the statute, but that the claimant, by complying with the other provisions of the law, is entitled to all the benefit arriving therefrom.

To avoid, however, future litigation, and to free such property from its present uncertainty, I would recommend that congress be memorialized to confirm to the claimants of the present town sites, and to the grantees under such claimants, the property so acquired by them.

In every political society, the mere fact of the existence of laws for the prevention of crimes and misdemeanors, presupposes their occasional violation. It is a remark no less common than true, that nothing tends more to prevent the commission of crime, than the certainty of punishment.—The records of our courts during the past year will show that this unwelcome visitor has made its appearance among us. From our new political existence, no provision has as yet been made for the punishment of those unfortunate individuals whom a jury of their countrymen shall have declared to have violated the laws necessary for the protection of society. I call your attention to this subject as one which vitally concerns the enforcement of law, and the preservation of order throughout the territory.

I regret to inform you that the laws passed at the last session of the legislative assembly have not yet been prepared for distribution. It became necessary to send them to the states for publication, and the gentleman into whose charge they were placed, died before any arrangements had been made to affect this purpose. Much delay and inconvenience has thus been occasioned, and our existing system of laws perhaps are not so well known to you and to the people generally, as might be desired. Judging, however, from information and experience, they have been admirably adapted to our wants, and have, so far, meted out general justice to all.—In this connection, and under these circumstances, I would respectfully caution you against any hasty legislation, in the way of amendments, as subsequent laws are frequently passed inconsistent with existing statutory provisions, thus occasioning uncertainty and involving parties in litigation.

In closing this communication, I will indulge the hope that the same spirit of concord and exalted patriotism which has thus far marked our political existence, will continue unto the end.

Particularly do I invoke the spirit in reference to our Indian relations. I believe the time has now come for their final settlement. In view of the important duties which have been assigned to me, I throw myself unreservedly upon the people of the territory, not doubting that they will extend

to me a hearty and generous support in my efforts to arrange, on a permanent basis, the future of the Indians of this territory.

ISAAC I. STEVENS.

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### R E P O R T

*Of the majority of a joint committee, appointed in accordance with the provisions of, an act to provide for the selection of the place for the location of the seat of Government of the Territory of Washington.*

*Submitted January 29, 1855.*

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The undersigned members of the joint committee of five appointed by the Legislative Assembly in accordance with the provisions of a bill, entitled, an act to provide for the selection of the place for the location of the seat of government of the Territory of Washington, beg leave to report:

That having examined the deeds made to the Territory of Washington, to the land described in said act, and also the title of the persons making said deeds, are not satisfied that the title thus conveyed is unobjectionable and free from the possibility of being successfully contested.

W. H. WALLACE,  
TIMOTHY HEALD,  
HENRY MILES.

## R E P O R T

*Of the minority of the joint committee, appointed in accordance with the provisions of an act to provide for the selection of the place for the location of the seat of Government of the Territory of Washington.*

*Submitted January 29, 1855.*

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*To the Legislative Assembly of the Territory of Washington :*

The undersigned members of the joint committee to whom was referred the subject of effecting the object provided for in the act of the Legislative assembly, entitled, "an act to provide for the selection of the place for the location of the seat of Government of the Territory of Washington," have had the matter under consideration, and beg leave to report the labors of the committee :

The committee have waited upon and seen the various claimants of the land site selected for the location of the seat of Government, and have received the accompanying deed marked "A," in the appendix to this report, from Edmund Sylvester and Clara E., his wife, quit claiming and forever transferring and assigning all their right title and interest of, in and to all the land spoken of and mentioned in the said bill. Quit claim deed marked "B," and hereunto annexed, assigning and transferring all the right of Luman H. Calkins, a claimant under Sylvester, of a portion of said premises to all or any parcel of said ten acres. This deed is executed by Edward J. Allen, attorney of the said Luman H. Calkins, duly constituted and appointed ; which power of attorney is on record in the office of the recorder of Thurston county. There being a desire on the part of the committee, for the said Calkins to confirm the act of his power of attorney, and he now residing in the state of Iowa, the committee have secured a bond, signed by ten approved sureties, conditioned for a quit claim deed from the said Calkins to the Territory, on or before the 1st day of January 1856. Which bond is hereto appended letter "C."

The undersigned are therefore of the opinion, that the title to the Territory of Washington is as secure as any title can be under the present condition of the laws of Congress relating to lands in this Territory, and believe that the Territory of Washington is now in quiet and peaceable possession of the ten acres of land referred to, and that the deeds now received are a release and quit claim, ample and full of any claim which may be hereafter set up by the late claimants, or any persons who may claim by, from or under them. We therefore report the annexed bill, letter "D,"

supplemental to the act in question, and recommend its passage, and that the joint committee of the two Houses be discharged from the further consideration of the subject. All of which is respectfully submitted.

B. F. YANTIS,  
ALEXANDER S. ABERNETHY.

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### R E P O R T

*Of the minority of the select committee on House Bill No. 2, "an act to dissolve the bonds of matrimony existing between Geo. L. Easterbrook and Hannah L. Easterbrook."*

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The minority of the select committee to whom was referred the bill above named, report

1st. That it appears from the petition of the said Geo. L. Easterbrook, that he has been absent from his wife Hanna L. Easterbrook since the year 1847, a length of time, in the opinion of the undersigned, sufficient to render some degree of coldness on the part of the wife, excusable.

2d. That the evidence offered for the purpose of establishing the infidelity of the wife, consists of letters purporting to be written by the friends of the petitioner, and that in the opinion of the undersigned, the Legislature should not, upon such vague, ex parte testimony condemn a woman, who has no opportunity to be heard in her own defense.

3d. That in the opinion of the undersigned, the Legislature should not pass bills of divorce in any case whatever.

1st. For the reason that courts of law are open for applications of this nature, and the liberality of the law in this Territory, regulating divorces is not surpassed by the laws of any state or territory in the United States.

2d. For the reason that the Legislature is liable to be deceived by fabricated ex parte testimony, and are much more liable to render a hasty and unjust decision than a court of law.

In view of the foregoing, the undersigned are irresistably led to the conclusion that the said bill should not receive the approval of the Council.

(Signed)

A. M. POE,  
D. R. BIGELOW.

